

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

3 UNITED STATES OF AMERICA,) Case 1:21-cr-245
4)
Plaintiff,)
5)
v.) Alexandria, Virginia
6) October 14, 2022
IGOR Y. DANCHENKO,) 9:00 a.m.
7)
Defendant.) Volume 4 (AM Session)
8) Pages 896 - 1043

9 TRANSCRIPT OF TRIAL

10 BEFORE THE HONORABLE ANTHONY J. TRENGA

11 UNITED STATES DISTRICT COURT JUDGE

12 AND A JURY

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25 COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

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1 (The jury is not present.)

2 THE COURT: Good morning.

3 Any issues we need to deal with?

4 MR. DURHAM: Your Honor, may it please the
5 Court. There was one issue that I've alerted counsel
6 to. I think Your Honor will recall that yesterday,
7 during Mr. Helson's cross-examination, the defense
8 elected to ask him certain questions, which we believe
9 clearly open the door for the admission of what we had
10 premarked in the case as Government's Exhibit 900.

11 The Court might recall that on a pretrial
12 basis, we had filed a motion *in limine* with respect to
13 the admissibility of a particular email that had been
14 sent by Mr. Danchenko to his then employer -- or it was
15 a work relationship there, a fellow by the name of
16 St. Sidar. And I think the Court will recall that, in
17 connection with that email, one of the things that was
18 contained in it, it was bullet point 4, was if you --
19 the more sources you have, the better. If you're
20 lacking for sources, essentially make it up, make
21 yourself a source, and so forth.

22 The Court in its pretrial ruling was not
23 going to permit that to come in based on there being no
24 record at that point. At least that's how the
25 government understood it. So, of course, consistent

1 with the Court's ruling, we have not gone there with
2 any of our witnesses. We didn't ask yesterday's
3 witness, Mr. Helson, about it. But the defense elected
4 to ask Mr. Helson questions which clearly go to that
5 exact point, not just whether or not Mr. Danchenko had
6 made things up, but he would make things up relating to
7 sourcing.

8 I think Your Honor will recall that there was
9 an exchange on cross-examination between counsel and
10 Mr. Helson where counsel was quoting from a prior IG
11 investigation or statement that Special Agent Helson
12 had given. And he asked him, "Didn't you tell the IG
13 that you didn't think that Mr. Danchenko was the sort
14 of person that would make things up," and I forget. I
15 think the last part was either because he was being
16 pressured by Steele -- to satisfy Steele, but it was
17 words to that effect.

18 Now, the import of that testimony, of course,
19 on the jury is this witness doesn't think that
20 Mr. Danchenko would make things up relating to
21 sourcing, and Government's Exhibit 900 is in the
22 defendant's own words. It's at a point in time that is
23 relevant to these proceedings, and it is crystal clear,
24 in the government's view, that it is admissible at this
25 point.

1 We thought it was admissible beforehand, but
2 of course, Your Honor, ruled on that question. But the
3 defense, having elected to open that door -- we
4 respectfully submit that we should be permitted to
5 introduce Government's Exhibit 900 wherein the
6 defendant makes the statement specifically -- just for
7 the Court's recollection, emphasize sources, make them
8 bold or capitalized, the more sources the better. If
9 you lack them, use one's self as a source, parentheses,
10 Istanbul-Washington-based businessman or whatever,
11 close the parentheses, to save the situation and make
12 it look a bit better.

13 In the government's view, there could be no
14 clearer piece of evidence that ought to be permitted to
15 come in given what the defendant elected to do in light
16 of his success and having the Court exclude it, at
17 least the government's initial testimony.

18 THE COURT: All right. Mr. Sears.

19 MR. SEARS: Your Honor, first of all, that
20 email predates anything relevant to this case by
21 months. In our view, we did not open the door to that
22 email. The question posed to Agent Helson was whether
23 he would make up any information or facts, not sources.
24 So I don't think it's directly relevant to the question
25 we asked. We don't think that the door has been open

1 to that email. I think it is entirely prejudicial.
2 I's unrelated to this case. This witness has never
3 seen that email. So we think it is still improper to
4 be admitted in this trial.

5 THE COURT: Anything else on this?

6 MR. DURHAM: May it please the Court. With
7 respect to counsel's comment relating to timing is
8 precisely the point that this statement or this email
9 that Mr. Danchenko sent to Mr. Sidar is in relatively
10 close proximity to a lot of this reporting. The date
11 the email was sent was February 24th of 2016. So it's
12 certainly not attenuated in time. It is entirely
13 relevant within a relevant time period.

14 (Counsel confer.)

15 MR. DURHAM: As my colleague points out, Your
16 Honor, at the time Mr. Danchenko, of course, is working
17 for Mr. Steele.

18 THE COURT: All right. I'll consider this a
19 motion for reconsideration. The Court excluded the
20 email on a number of grounds.

21 First, it was unclear to the Court -- and I
22 thought it was speculative whether you could draw the
23 inferences that the government would draw from that
24 email. We know nothing about whether Mr. Sidar was, in
25 fact, in a position to be a source and whether he

1 simply, because he was generating the report, chose not
2 to. So I think it would be speculative to know that he
3 simply could not have been a source for whatever was
4 being talked about, and that's part of the problem. We
5 have just no context for what information is being
6 proposed and what Mr. Sidar's relationship or lack of
7 relationship to that information would be.

8 Secondly, the Court concluded that, given the
9 fact that the email is unrelated to any FBI
10 investigation and does not deal with any of the issues,
11 it would be admitted primarily for evidence of
12 propensity.

13 So on those grounds, the Court denied the
14 motion, and the Court does not think anything that
15 occurred during the examination would have opened the
16 door for this or essentially neutralized or negated the
17 Court's prior basis for excluding the email. So the
18 motion to have this admitted is denied.

19 All right. Is there anything further?

20 MR. DURHAM: The government has nothing
21 further.

22 Thank you, Your Honor.

23 MR. SEARS: No, Your Honor.

24 THE COURT: All right. You have about a half
25 an hour with Mr. Helson?

1 MR. DURHAM: Yes, Your Honor.

2 THE COURT: All right. And then we have --

3 MR. DURHAM: Then Brittany Hertzog and then
4 Ms. Anderson and then Special Agent James.

5 THE COURT: Ms. Anderson was an analyst?

6 MR. DURHAM: Ms. Hertzog was a former FBI
7 analyst. Ms. Anderson is a special agent currently
8 assigned as an --

9 (Reporter clarification.)

10 MR. DURHAM: ALAT, A-L-A-T.

11 THE COURT: I assume the testimony of any of
12 these witnesses is not going to be cumulative of what
13 we've already heard from the other witnesses.

14 MR. DURHAM: That's correct, Your Honor.

15 THE COURT: All right. As soon as the jury
16 is ready, we'll begin.

17 MR. SEARS: Thank you, Your Honor.

18 THE COURT: The Court stands in recess.

19 (Recess from 9:18 a.m. until 9:34 a.m.)

20 (The jury is not present.)

21 THE COURT: Ready to proceed?

22 MR. DURHAM: Yes, Your Honor.

23 THE COURT: Is Mr. Helson here?

24 MR. DURHAM: He is in the hallway, yes, Your
25 Honor.

1 THE COURT: All right. Let's bring him in.

2 (Mr. Helson enters.)

3 THE COURT: All right. Let's bring the jury
4 in.

5 THE COURT SECURITY OFFICER: Yes, sir.

6 (The jury enters at 9:35 a.m.)

7 THE COURT: Please be seated.

8 Good morning. We're ready to proceed.

9 Let me just give you a sense of where I think
10 we are. It's my hope and expectation that we'll be
11 able to complete the evidence today. There will be
12 some matters that we'll need to take up. But then on
13 Monday, we would complete the case and have jury
14 instructions and closing arguments. So hopefully, you
15 can begin your deliberations on Monday, if not Tuesday.

16 Mr. Durham.

17 MR. DURHAM: Thank you, Your Honor.

18 THE COURT: Mr. Helson, you remain under
19 oath.

20 THE WITNESS: Yes, sir.

21 FURTHER REDIRECT EXAMINATION

22 BY MR. DURHAM:

23 Q Mr. Helson, I just want to pick up on a few of the
24 things you were asked on cross-examination yesterday.
25 Okay?

1 A Okay.

2 Q Do you recall, sir, during the cross-examination
3 you were asked certain questions relating to Mr. Dolan
4 having known or having a relationship with Mr. Peskov,
5 and you were asked did Mr. Danchenko tell you about the
6 fact that Dolan and Peskov had a relationship. Do you
7 remember questions along those lines?

8 A I remember the question about Dolan -- I was told
9 about Dolan knowing Peskov, yes.

10 Q Okay. Now, in that regard, just so the record is
11 clear in that regard, prior to June 15th of 2017, okay?

12 A Okay.

13 Q That would be the third recording?

14 A Yes.

15 Q Had Mr. Danchenko ever mentioned in any way
16 Charles Dolan to you?

17 A No, sir.

18 Q And prior to June 15th of 2017, if you know,
19 personal knowledge, had investigators actually started
20 to put together information relating to Mr. Dolan?

21 A I did not know that.

22 Q Did you determine afterward or do you know now as
23 a result of matters that your colleagues, in fact, had
24 put together information --

25 MR. SEARS: Your Honor, I'm going to object

1 on the basis that that would be hearsay.

2 THE COURT: Well, why don't you rephrase the
3 question.

4 MR. DURHAM: Yes, Your Honor.

5 BY MR. DURHAM:

6 Q Do you know Special Agent Amy Anderson?

7 A I do, sir.

8 Q Were you dealing with Ms. Anderson, Special Agent
9 Anderson, on an ongoing basis relating to these
10 matters?

11 A Yes, sir.

12 Q Do you know Brittany Hertzog?

13 A I do.

14 Q And who is Ms. Hertzog?

15 A She was an analyst at headquarters that was
16 assigned to Mr. Mueller's investigative team.

17 Q Do you recall whether you had any interactions
18 with Ms. Hertzog or not --

19 A I did.

20 Q -- related to these matters?

21 A Yes.

22 Q Reflecting on your interactions with Special Agent
23 Anderson and Ms. Hertzog, do you recall, sir, whether
24 or not, in fact, prior to June 15th of 2017, the Bureau
25 had put together some information relating to Mr. Dolan

1 and Peskov?

2 A They had -- after I started talking with
3 Ms. Hertzog and Amy Anderson, they were working on some
4 project or some report that involved Mr. Peskov and
5 Dolan.

6 Q In that regard, what is your recollection, sir, as
7 to how was it that on June 15th of 2017, you posed
8 questions to Mr. Danchenko about Mr. Dolan?

9 A As I recall, that came -- those questions came
10 from Ms. Anderson.

11 Q And then with respect to those questions coming
12 from Special Agent Anderson, they were specific as to
13 Charles Dolan, correct?

14 A Correct.

15 Q And Mr. Danchenko's knowledge of matters?

16 MR. SEARS: Your Honor, I'm going to object
17 to the leading nature of the question.

18 THE COURT: It is leading, but let's move it
19 on.

20 BY MR. DURHAM:

21 Q What did the questions have to do with, sir?

22 A Had he talked to Dolan about the dossier or did --
23 did he talk to Dolan about the dossier.

24 Q On June 15th of 2017, what would be the
25 understanding, based on your prior meetings with

1 Mr. Danchenko, as to what it was that the FBI was
2 trying to learn regarding the dossier?

3 A It was to identify all sources of the dossier and
4 anything and everything that we could get on those
5 sources.

6 Q And as of June 15th of 2017, nothing had been said
7 to you by Mr. Danchenko about Dolan?

8 A No, sir.

9 Q So on June 15, 2017, with respect to the questions
10 that you posed to Mr. Danchenko about Dolan, those came
11 from the other investigators, correct?

12 MR. SEARS: It is leading again, Your Honor.

13 THE COURT: It is. Sustained.

14 BY MR. DURHAM:

15 Q Who did those questions come from?

16 A It came from the Mueller investigative team,
17 particularly Ms. Anderson.

18 Q And in asking those questions, that is, questions
19 relating to Charles Dolan, what was the purpose? What
20 was the intent behind those questions?

21 MR. SEARS: Your Honor, I'm going to object.
22 The question came from Special Agent Anderson, not from
23 Mr. Helson.

24 THE COURT: Overruled. Go ahead.

25

1 A It was to identify the relevant contacts that he
2 had had with Dolan.

3 Q And in that connection, did Mr. Danchenko provide
4 any information to you concerning the dossier and
5 Mr. Dolan?

6 A No, sir.

7 Q If Mr. Danchenko had disclosed to you, "Yeah,
8 Dolan gave me information that went into the dossier,"
9 would that have been important to you?

10 A Yes, sir.

11 Q Now, counsel also asked you some questions on
12 cross-examination yesterday that you -- the question
13 was asked and you kind of adopted it. The question was
14 essentially -- and Mr. Auten never asked Mr. Danchenko
15 about the report number, which was 2016/105. It was
16 the Manafort report.

17 A Okay.

18 Q He asked you if Auten asked him about that, and
19 you said no or you adopted the question no.

20 Do you recall, sir, whether or not -- in the
21 three-day interview in January of 2017 whether or not
22 Mr. Danchenko was, in fact, asked questions and there
23 was reporting in the report about the Manafort part of
24 the dossier?

25 A I didn't recall that, no.

1 Q All right. Do you recall it now? Well, let me
2 withdraw that.

3 I'd ask you to take a look at Government's
4 Exhibit 100. It's just for identification in the
5 record now. You are free, of course, to look at the
6 entirety of it, but I would direct your attention most
7 particularly to pages 11 and 12 to see if that
8 refreshes your recollection as to whether or not
9 Mr. Danchenko is, in fact, asked questions relating to
10 Paul Manafort and the like in January 2017.

11 THE COURT SECURITY OFFICER: Counsel, I
12 believe 100 was returned to you because it wasn't
13 admitted earlier.

14 BY MR. DURHAM:

15 Q It's in the pocket.

16 A Oh, thanks.

17 THE COURT SECURITY OFFICER: Thank you.

18 A Is there a particular page?

19 Q Pages 11 and 12, but look through it as you want.

20 Does that refresh your recollection, sir, as to
21 whether, in fact, Mr. Danchenko had been asked about
22 the Manafort matters back in January of 2017?

23 A Yes. Under Section 4, it clearly shows --

24 Q You're not supposed to read from the document.

25 But does that refresh your recollection that he was, in

1 fact, asked about these matters back in January?

2 A Yes.

3 Q So when you answered the question no, he wasn't
4 asked questions about that by Auten --

5 MR. SEARS: Your Honor, may we approach
6 briefly?

7 THE COURT: Yes.

8 MR. SEARS: I apologize.

9 (Conference at the bench, as follows:)

10 MR. SEARS: Your Honor, Mr. Durham's question
11 has created the impression, I think, that the Manafort
12 discussion, as referenced in that report, was about
13 Report 105. My question was very specific about
14 whether he had ever been shown that specific report.
15 It is true that Paul Manafort came up during
16 discussions.

17 THE COURT: In January?

18 MR. SEARS: In January. But just about his
19 relationship with Ukraine, not about his resignation
20 from the campaign or any of those issues. I'm
21 concerned about the impression he's giving to the jury
22 because of the way the questions were asked. It is
23 redirect.

24 THE COURT: On cross, he said that he wasn't
25 aware of --

1 MR. SEARS: Whether or not he had ever been
2 shown that report.

3 THE COURT: So the report itself?

4 MR. SEARS: The report itself.

5 THE COURT: Right. And this shows that he --

6 MR. DURHAM: That he, the defendant, had been
7 asked questions about essentially --

8 THE COURT: About Manafort.

9 MR. DURHAM: -- about what's in -- what's in
10 105.

11 MR. KEILTY: It's generally about --
12 actually, the title of the section of the report says
13 Election Related Reporting About Paul Manafort. Then,
14 Your Honor, it goes on to talk about that the defendant
15 quietly asked around to some D.C. friends, which is --

16 MR. DURHAM: D.C. based.

17 MR. KEILTY: D.C.-based friends about Paul
18 Manafort, which obviously is relevant.

19 THE COURT: In terms of this witness, what do
20 you want to bring out? That he knew that there had
21 been questioning about Manafort?

22 MR. DURHAM: That, in fact, there had been
23 questioning about Manafort by Auten.

24 THE COURT: That he knew that? I mean, that
25 would be the only relevance, right?

1 MR. DURHAM: No. That when he answered the
2 questions from defense counsel about Auten not having
3 done certain things, that was not completely accurate.

4 THE COURT: No. But I thought on cross, the
5 point was that he had not seen the actual memo from
6 Dolan. Right?

7 MR. SEARS: He had not seen the actual
8 report, the specific report that they were questioning
9 him about that Dolan was responsible.

10 THE COURT: That was in the Steele report,
11 that he hadn't seen that.

12 MR. SEARS: No witness has testified that he
13 ever saw that report. I'm concerned the way the
14 question was posed about the report specifically and
15 now we are going into Manafort generally is creating a
16 false impression.

17 MR. KEILTY: It also leaves the jury with the
18 impression, Your Honor, that Paul Manafort was --

19 THE COURT: No. I understand. I think you
20 need to make clear what he knew and what he didn't know
21 since you've gotten into this. Make clear whether he,
22 in fact, had seen the -- when he said he hadn't seen
23 it, is he talking about the report, or is he talking
24 about simply subject matter of Manafort? All right.

25 MR. ONORATO: Judge, just to be clear,

1 Mr. Auten said they didn't talk about Report No. 105.
2 He is the one who wrote the report. So his
3 understanding of what he was asked about doesn't make
4 sense other than Mr. Manafort's name was discussed.
5 The Crossfire Hurricane was open on four people,
6 including Mr. Manafort.

7 MR. SEARS: It is just the way the
8 questioning was perceived.

9 THE COURT: All right.

10 MR. DURHAM: I don't want to ask a question
11 I'm not permitted to ask. So maybe --

12 THE COURT: Well, I think you need to clarify
13 what it is he knew and didn't know.

14 MR. DURHAM: "He" being this witness?

15 THE COURT: This witness.

16 Is that the point you wanted to make? That
17 he was aware there had been discussion in January that
18 mentioned Manafort, but I think his testimony on cross
19 was that he had never seen the actual report section of
20 the --

21 What is it? 105?

22 MR. SEARS: 105.

23 MR. DURHAM: Right. I think the key there is
24 the question was asking about the defendant. He asked
25 this witness whether Auten had shown the -- I'm trying

1 to remember -- was shown the report to Mr. Danchenko,
2 and this witness just adopts that and says, "No, he
3 hadn't." He doesn't know that.

4 MR. SEARS: The question, Your Honor, was,
5 "As you sit here today, can you say with any certainty
6 whether Mr. Danchenko has ever seen Report 105"?
7 That's when he said no.

8 THE COURT: All right.

9 MR. SEARS: I don't think any witness can say
10 that because he never asked about this specific report.

11 MR. ONORATO: There's no reference to 105 in
12 that --

13 THE COURT: If you want to get into it, you
14 have to clean it up; otherwise, you can just move on.

15 MR. DURHAM: Yes, Your Honor.

16 (Proceedings continued in open court, as follows:)

17 MR. DURHAM: May I proceed, Your Honor?

18 THE COURT: Yes.

19 BY MR. DURHAM:

20 Q Sir, I just asked you questions relating to the
21 information that's contained in a particular report,
22 correct?

23 A Correct.

24 Q Now, with respect to the report that you've
25 reviewed, do you have any independent knowledge about

1 what was or was not asked of Mr. Danchenko by Mr. Auten
2 and Mr. Somma about particular reports?

3 A About this particular report that I'm looking at?

4 Q Correct, independent knowledge.

5 MR. SEARS: Your Honor, can we clarify what
6 report he's looking at right now?

7 A It is the three-day interview of Mr. Danchenko.

8 Q The three-day interview report of Mr. Danchenko.
9 Do you have any independent knowledge of what it was
10 that was discussed with Mr. Danchenko by Auten and
11 Somma?

12 A No.

13 Q So with respect to yesterday's questioning by
14 counsel about, well, what Auten what may or may not
15 have done, you don't have any independent knowledge of
16 that?

17 A No.

18 Q You were asked a question yesterday that you
19 adopted -- you were asked a question about, well, the
20 defendant didn't know that Steele's reports were going
21 to the FBI, and you said yes. Do you have any
22 independent knowledge of that?

23 A No.

24 Q That's just what the defendant told you, right?

25 A Yeah.

1 Q So when you told the jury that he, Mr. Danchenko,
2 didn't know that they were going to the FBI, you don't
3 know that to be the case?

4 A I had no other knowledge that suggested that, no.

5 Q Right. There's no independent evidence of any
6 sort, correct?

7 A Yes, correct.

8 Q And then you had told the jurors yesterday that
9 with respect to the defendant, you were asked a
10 question about, "Well, the defendant told Steele that
11 it was all rumor and speculation," and you said yes.
12 Do you have any independent knowledge that that's what
13 Mr. Danchenko, in fact, told Steele?

14 A It was what Danchenko had told me that he had told
15 Steele.

16 Q Right. And with respect to Mr. Steele, do you
17 have -- do you recall whether or not Mr. Steele had
18 been a long-time confidential source for the FBI?

19 A I do now.

20 Q And with respect to Mr. Steele, do you know
21 whether or not Mr. Steele had some prior involvement in
22 intelligence matters?

23 A Yes. He was a former MS6.

24 Q And with respect to Mr. Steele, did the FBI use
25 information that was provided by Mr. Steele in a FISA

1 affidavit on a U.S. citizen?

2 A Yes.

3 Q So with respect to Mr. Steele, you were asked
4 questions yesterday relating to a particular event that
5 occurred on September 22. Do you remember you met with
6 Mr. Danchenko on September 22?

7 A Yes, sir.

8 Q And in connection with the meeting on
9 September 22, tell the ladies and gentlemen of the jury
10 whether or not that was just a matter of days after FBI
11 agents, to your knowledge, had gone over and spoken to
12 Steele in London.

13 A It was a couple of days after that they had went
14 over and spoke with Mr. Steele in London.

15 Q And with respect to the meeting, then, on
16 September 22nd of 2016 -- yeah, 2016 -- do you recall,
17 sir, whether or not there were conflicts between what
18 Steele told the FBI and what Mr. Danchenko is telling
19 you?

20 A Yes.

21 Q And that's what was being explored that day,
22 correct?

23 A Correct.

24 Q And on another occasion, do you recall whether or
25 not you were asked to pose any questions stemming from

1 an interview that had been done with Olga Galkina?

2 A Correct, yes.

3 Q And with respect to the interview that had been
4 done with Galkina, were you provided questions that you
5 were supposed to pose to Mr. Danchenko?

6 A Yes.

7 Q And why were those questions being posed to
8 Mr. Danchenko?

9 A Because there were inconsistencies between her
10 story and his.

11 Q And with respect to Ms. Galkina, do you know
12 whether or not she had been disclosed by Mr. Danchenko
13 as one of his sources for information that was in the
14 dossier?

15 A Yes.

16 Q And so there were inconsistent statements from
17 Steele and Galkina and Danchenko?

18 A Correct.

19 Q And that's why you were posing questions on those
20 occasions to Mr. Danchenko, correct?

21 A Yes.

22 Q Do you recall, sir, whether or not there was
23 independent evidence to show that Mr. Danchenko told
24 Steele that it was all rumor and speculation?

25 A I didn't see any independent evidence other than

1 what he told me.

2 Q So your testimony yesterday on cross-examination
3 is only based on what the defendant told you?

4 A Correct.

5 Q And that was inconsistent with what others had
6 told you?

7 A Yes.

8 Q Not you -- had told the FBI?

9 A Yes.

10 Q Now, I want to move to another area. You had
11 indicated or testified yesterday to certain matters
12 relating to Mr. Danchenko telling you about a trip and
13 being involved with Mr. Dolan in October of 2016. Do
14 you remember the questions surrounding that?

15 A Yes.

16 Q And October of 2016 is when the YPO conference
17 took place in Moscow, correct?

18 A Correct.

19 Q Did Mr. Danchenko tell you about his having been
20 in Moscow in June of 2016?

21 A No, he did not tell me that.

22 Q Did he tell you anything about his having met with
23 or seen Mr. Dolan in Moscow in June of 2016?

24 A No, sir.

25 Q Do you recall, sir, whether or not you ever

1 learned the dates on which Mr. Danchenko was in Moscow
2 in June of 2016?

3 A I learned of it later.

4 Q And do you remember: When you learned at a later
5 point in time he had been in Moscow in June of 2016,
6 did you talk to him about that?

7 A No.

8 Q Do you have any current recollection as to when he
9 was in Moscow in June of 2016?

10 A Where he was at?

11 Q No. When, when in June.

12 A I think it was -- I can't remember the exact date.

13 Q All right. I would ask that you take a look at
14 Government's Exhibit 605T and see if that refreshes
15 your recollection. We can pull it up on the screen.
16 That might be easier.

17 A June 14.

18 Q In looking at now 605, do you recognize that
19 picture from yesterday?

20 A Yes, sir.

21 Q And do you now have a refreshed recollection as to
22 when it was that Mr. Danchenko was in Moscow in June of
23 2016?

24 A June 14.

25 Q All right. So he's there at least on the 14th of

1 June?

2 A Correct.

3 Q And, now, with respect to the person who's in the
4 photograph with Mr. Danchenko, do you know who that
5 person even is?

6 A I do.

7 Q And who is that?

8 A Chuck Dolan.

9 Q Now, do you recall, sir, whether or not at any
10 point in time you learned from Mr. Danchenko that he
11 had been in Moscow in June?

12 A I don't know that I got it from him. It may have
13 been from Brian or someone from Special Counsel.

14 Q Do you recall, sir, whether or not you ever
15 learned when Mr. Danchenko left Moscow?

16 A No.

17 Q Or where he went after leaving Moscow?

18 A No.

19 MR. DURHAM: I'd ask Your Honor, if we might,
20 to have the witness take a look at Government's
21 Exhibit 606T, please.

22 THE COURT: All right. That's admitted.

23 MR. DURHAM: That should be in the book, but
24 I think Your Honor has it as well.

25 THE COURT: Yes.

1 BY MR. DURHAM:

2 Q It's under 606.

3 A I don't have a 606 in here.

4 MR. DURHAM: May I just have a moment to get
5 him a copy, Your Honor?

6 THE COURT: Yes.

7 BY MR. DURHAM:

8 Q I'll ask you to take a look at and read through
9 the entirety of 606. It is about a page and a third
10 perhaps.

11 THE COURT: Is 606 in evidence?

12 MR. DURHAM: 606, not yet, Your Honor.

13 THE COURT: All right.

14 MR. SEARS: Your Honor, I can tell the Court
15 that we are not going to object to the admission of
16 this exhibit. There is a portion that we believe
17 should be redacted. I have told the government that.
18 I don't think they have an issue with that.

19 MR. DURHAM: We agree.

20 THE COURT: All right. Subject to the
21 parties' agreement as to the redaction, 606 and 606T is
22 admitted.

23 BY MR. DURHAM:

24 Q Have you read through that, sir?

25 A Yes, sir.

1 Q With respect to this document, do you recall --
2 does that refresh any recollections on your part as to
3 when it is that Mr. Danchenko left Moscow in June?

4 A It would have been two days after that, 6/16.

5 Q And with respect to where Mr. Danchenko went when
6 he left Moscow, is there anything in 606T that
7 refreshes your recollection as to where --

8 A He went to London.

9 Q And with respect to that item, does it reflect
10 what, if anything, he did in London on June 18th of
11 2016?

12 A He gave a report.

13 Q He's in Moscow. He leaves on the 16th, and on the
14 18th, he reports that he had given a report?

15 A Correct.

16 Q In London?

17 A In London.

18 MR. DURHAM: We would move 606T as a full
19 exhibit.

20 MR. SEARS: No objection, Your Honor.

21 THE COURT: It's admitted.

22 MR. DURHAM: Can I just have one moment so we
23 can do that one quick redaction?

24 THE COURT: Yes.

25 MR. DURHAM: So I would ask, then, that 606T

1 be brought up on the monitor so that the jurors can see
2 it.

3 Okay. It's up there.

4 BY MR. DURHAM:

5 Q Now, sir, looking at 606T, would you indicate to
6 the jurors how it is that you determined that
7 Mr. Danchenko left Moscow on June 16th of 2016?

8 A He -- the initial report starts out at 6/16, when
9 he was reaching out to Galkina, and then on the 6/18
10 document -- or 6/18 line, that was just blown up, you
11 can see he's in London at that point.

12 Q All right. So in looking at Government's Exhibit
13 606T, it reflects entries beginning on June 16th of
14 2016, correct?

15 A Correct.

16 Q This is a Facebook entry on Mr. Danchenko's
17 account?

18 A Yes, sir.

19 Q And then if you look at the very last entry on
20 that document, 606T, would you read into the record
21 what the jurors are now reading, who the author is,
22 when it was sent and what the body is?

23 A The author is Igor Danchenko. It was sent on
24 6/18/2016, and the body states, "I already gave a
25 report. I drove around England. I am walking around

1 London but my mood is so-so. Although, everything
2 seems to be wonderful."

3 Q Now, with respect to London, would you tell the
4 ladies and gentlemen of the jury, to your knowledge,
5 where was Orbis located?

6 A In London.

7 Q And where was Christopher Steele located?

8 A In Orbis-- in London.

9 Q Do you recall, sir, what the very first Orbis
10 report date was?

11 A It was going to be close at that time. I don't
12 recall the exact.

13 MR. DURHAM: I'd ask that Ms. Arsenault bring
14 up just for counsel and for the defendant Government's
15 Exhibit 17A for identification.

16 BY MR. DURHAM:

17 Q Have you looked at that?

18 A Which one was it?

19 Q 17A -- oh, I'm sorry, 117A.

20 THE COURT: 117?

21 MR. DURHAM: 117, yes, Your Honor. I think
22 both copies were provided to the Court earlier.

23 A Yes.

24 Q Looking at 117A for identification in its
25 entirety, does that refresh any recollections as to

1 when the very first Steele dossier report was dated?

2 A June 20, 2016.

3 Q So that would have been two days after the entry
4 on 606T that Mr. Danchenko said he had just given his
5 report?

6 A Yes, sir.

7 Q At any point in time, to the best of your
8 recollection, did Mr. Danchenko ever tell you that he
9 had been in Moscow with Mr. Dolan, he left Moscow, went
10 to London, made a report, and then the report showed up
11 two days later?

12 A No, sir.

13 Q Would that have been of value to you?

14 A Yes.

15 Q And would it have been pretty significant to you
16 with respect to trying to identify sources, a source of
17 information and the like?

18 A Yes.

19 Q But that was not disclosed to you?

20 A Correct.

21 Q Based on your -- by June 15th of 2017, you've been
22 dealing with Mr. Danchenko for not days or weeks but
23 for months, correct?

24 A Yeah, about three months or four months.

25 Q In your mind, was there any possibility that

1 Mr. Danchenko didn't understand this kind of
2 information concerning sourcing should be disclosed to
3 you?

4 A No.

5 Q But it wasn't?

6 A Correct.

7 Q Now, I want to move to another part of yesterday's
8 cross-examination. You were asked some questions by
9 Mr. Sears relating to the fact that Mr. Danchenko had
10 spoken with you on June 15th. You had asked him about
11 his knowledge of Charles Dolan. He responded as he
12 responded, and then you asked him a question relating
13 to, you know, had you talked to Dolan about anything in
14 the dossier? I mean, you recall that general area?

15 A Yes.

16 Q And you were then asked questions by counsel: Did
17 you ever follow-up on the questions, and you said no.
18 And then you were asked a general question concerning
19 whether or not you had defined the word "talk" or
20 "talked" to Mr. Danchenko. Do you recall those general
21 questions?

22 A Yes, sir.

23 Q Now, let me ask you. They said in the context of
24 the June 15th interview that you were doing and the
25 prior meetings that you had had and recorded of

1 Mr. Danchenko, what was the point of asking him
2 questions? What is it you were trying to get to?

3 A It was to get information about all the sources of
4 the dossier. That was a general understanding.

5 Q And that was the context in which questions, not
6 just on June 15th, were asked but other dates as well?

7 A Yes.

8 Q When you asked Mr. Danchenko whether he had talked
9 to Mr. Dolan about anything in the dossier, what was
10 the context in which you asked him the question?

11 A Most of my questions, unless directed by Special
12 Counsel Mueller's investigative team was open ended.
13 We were looking for any and all information.

14 Q Now, you were asked some questions yesterday as
15 well concerning travel records. Do you remember
16 counsel asking you if you had been shown any Amtrak
17 records?

18 A Yes, sir.

19 Q And had you been shown any Amtrak records when you
20 were being interviewed as a witness?

21 A Not that I recall.

22 Q When you were being interviewed in connection with
23 these matters, were you working as part of the
24 investigative team or not?

25 A Not.

1 Q Did you have any expectation that investigators
2 were going to show you all the evidence that they had?

3 A No, sir.

4 Q You were -- if the situations were reversed, are
5 you going to show a potential witness all of the
6 evidence that you have?

7 A No, sir.

8 Q So with respect to the Amtrak travel records, do
9 you know now how those even play into this case?

10 A No.

11 Q Let's assume that those records reflect -- and the
12 records are in evidence -- that Mr. Danchenko went to
13 New York on July 25th, took a train up to New York.
14 Let's assume that's what the jury has seen, okay?

15 A Okay.

16 Q You have seen the email that Mr. Danchenko sent to
17 the Millian Group four days prior to that on July 21st,
18 correct?

19 A Correct.

20 Q And in that email -- we can pull that up.

21 MR. DURHAM: Ms. Arsenault, can you just pull
22 that up so that the witness can see it?

23 BY MR. DURHAM:

24 Q And in looking at what has already been marked in
25 this case, the July 21st, 2016, email --

1 MR. DURHAM: If you could, scroll down a bit,
2 please.

3 BY MR. DURHAM:

4 Q In the last paragraph, it reads, does it not, "In
5 any case, it would be interesting if and when possible
6 to chat with you by phone or to meet for coffee/beer in
7 Washington or in New York where I will be next week."
8 Did I read that correctly?

9 A Yes, you did.

10 Q And with respect to that email, you were asked --
11 or the fact that there were Amtrak records, you were
12 asked some questions.

13 Let me ask you this: Are you aware of or did it
14 ever come to your attention that Mr. Danchenko had
15 plans, even prior to July 21st of 2016, to be going to
16 New York the next week?

17 A I think that came up in our conversations.

18 MR. DURHAM: I would ask that Government's
19 Exhibit 901 be brought up.

20 BY MR. DURHAM:

21 Q The date of this email is what, sir?

22 A July 18, 2016.

23 Q And it's from who?

24 A Igor Danchenko.

25 Q To a Cenk Sidar?

1 A Yes.

2 Q And with respect to what Mr. Danchenko is telling
3 Mr. Sidar in that email, is there anything in there
4 relevant to plans that he had relating to traveling to
5 New York?

6 A He said he has plans. He may be going to New York
7 in the second line.

8 Q That was before he even sent the email to the
9 Millian Group?

10 A Correct.

11 Q Now, let me turn to just a couple of other matters
12 briefly.

13 You were asked questions yesterday by counsel
14 relating to Mr. Dolan and some of the reports that you
15 had written. With respect to Mr. Dolan and what
16 Mr. Danchenko told you about Dolan, do you recall, sir,
17 whether or not Mr. Danchenko had anything to say
18 negative about Chuck Dolan before your folks had gone
19 over to talk to Steele in September of 2017?

20 A No, sir.

21 Q It was only after your folks had gone over to talk
22 to Steele that he started saying negative things about
23 Dolan?

24 A Correct.

25 Q Now, I want to ask you, in response to -- or in

1 relation to questions that were asked of you by counsel
2 yesterday -- and I think this is the final topic that
3 I'm going to touch on here.

4 You were asked some questions by Mr. Sears
5 relating to the report that you had written relating to
6 October 24th of 2017. That's Government's Exhibit 102.
7 That's probably in your booklet there.

8 Do you have 102?

9 A Yes, sir.

10 Q So you were asked some questions about that. And,
11 in particular, you were asked a question about the date
12 in which the report was written as opposed to the date
13 of contact.

14 A Correct.

15 Q These questions related specifically to that
16 question. Do you recall, sir, how it was that you went
17 about preparing the report of October 24th, 2017?

18 A Typically, in the same situation here, is after I
19 meet with the source, I come back and put it in a
20 special system where it is then approved by my
21 supervisor and the assistant special agent in charge
22 before it's submitted into the system. And then it
23 goes live with Special Counsel Mueller's team.

24 Q And in that regard, I want to ask you: With
25 regard to the October 24th of 2017, memo, were there

1 certain things in that you had in quotes?

2 A Yes.

3 Q And why did you put them in quotes?

4 A Because that's what he said.

5 Q And how can you be certain that that's what he
6 said?

7 A This meeting was -- in part, it was a direction
8 from the Mueller investigative team bringing up the
9 discrepancies in the Sergei Millian matter, and they
10 wanted me to go back specifically to ask the questions
11 and get his response. And so that's why we did it the
12 way -- I wrote it the way we wrote it, is to capture
13 and note the actual response.

14 Q In that connection, sir, do you recall whether or
15 not Mr. Danchenko at that time gave the same or
16 somewhat different description of the number of
17 contacts that he had had with Sergei Millian?

18 A It was a different number.

19 Q So remind the jurors, if you would: In the
20 initial contacts that you had with Mr. Danchenko, how
21 many times did he say he had had contact with Millian?

22 A One time.

23 Q And was that consistent?

24 A Up until this moment.

25 Q And in that connection to -- based on what you

1 were being provided by way of information and the
2 questions to ask, did you have an understanding as to
3 whether he had previously said to others there was only
4 one contact?

5 A Yeah. I believe that was what had been told to
6 me: It was a one call, one-time event.

7 Q On October 24th of 2017, this was a multiple sort
8 of exploration of the same subject matter, correct?

9 A Yes, sir.

10 Q Why do you do that?

11 A It is -- as I had said before, I think I testified
12 yesterday that we often will ask the same question over
13 and over because the more times someone repeats it, if
14 there's any inconsistencies or they're lying, they will
15 mess up at some point or contradict themselves.

16 Q Now, was there a contradiction on October 24,
17 2017, regarding what the defendant said to the FBI
18 regarding contacts with Millian?

19 A The number of contacts, yes.

20 Q And what was the contradiction?

21 A It was the number of times, two versus one -- or a
22 couple versus one.

23 Q So the record is clear and the jurors understand,
24 what were his exact words relating to the number of
25 times?

1 A "How many times did you meet face to face with
2 Sergei Millian?"

3 ID stated, "I did not meet with him ever in
4 person: I believe I spoke to him on the phone a couple
5 of times. At least someone who I thought was him."

6 Q Okay. And that was the first time you heard about
7 a couple of calls?

8 A Yes.

9 Q And that came from the defendant?

10 A That did.

11 MR. DURHAM: Thank you, sir. I have no
12 further questions.

13 Thank you.

14 THE COURT: Special Agent, you're excused.
15 Do not discuss your testimony outside of the courtroom
16 with any other witness.

17 (The witness stands aside.)

18 THE COURT: The government will call its next
19 witness.

20 MR. KEILTY: Your Honor, the government calls
21 Brittany Hertzog.

22 THE COURT: All right. Brittany Hertzog will
23 come forward, please.

24 MR. KEILTY: May I proceed, Your Honor?

25 THE COURT: Please.

1 BRITTANY HERTZOG, PLAINTIFF'S WITNESS, AFFIRMED

2 DIRECT EXAMINATION

3 BY MR. KEILTY:

4 Q Good morning.

5 A Good morning.

6 Q How are you today?

7 A Good. How are you?

8 Q Good.

9 Could you please state and spell your name for the
10 record, for the court reporter.

11 A Brittany Hertzog, B-R-I-T-T-A-N-Y, H-E-R-T-Z-O-G.

12 Q Okay. Thank you, Ms. Hertzog.

13 Throughout the course of your testimony, I'm just
14 going to ask that you keep your voice up, just speak
15 slowly, and I'll try and do the same. Okay?

16 A Okay.

17 Q All right. Ms. Hertzog, could you walk through
18 your educational background for the benefit of the
19 jury.

20 A I went to George Mason University to get an
21 undergraduate degree in government international
22 relations. I attended Wharton at the University of
23 Pennsylvania to receive a master's in business
24 administration.

25 Q Okay. And following your graduation from Wharton,

1 are you employed?

2 A I am.

3 Q And how are you currently employed?

4 A I currently work for NASDAQ.

5 Q What do you do for NASDAQ?

6 A I lead the global ethics team.

7 Q The global ethics team?

8 A (Nods head up and down.)

9 Q Okay. And prior to graduate school, were you
10 employed?

11 A I was.

12 Q And tell the jury how you were employed.

13 A I was an intelligence analyst for the Federal
14 Bureau of Investigation.

15 Q Okay. And when did you join the FBI, Ms. Hertzog?

16 A In 2008.

17 Q And when did you eventually leave the FBI?

18 A 2019.

19 Q And that's when you went to graduate school?

20 A Correct.

21 Q You said you were an intelligence analyst at the
22 FBI. Can you tell the jury what an intelligence
23 analyst does at the FBI?

24 A An intelligence analyst looks at information and
25 tries to identify trends, patterns, and investigative

1 next steps.

2 Q Okay. And is there a difference between an
3 intelligence analyst and a special agent at the FBI?

4 A Yes.

5 Q And briefly describe those differences to the
6 jury.

7 A An intelligence analyst typically looks at the
8 information and does critical thinking; whereas, an
9 agent is more operational in that they talk to people.
10 They have law enforcement capabilities.

11 Q Okay. Did you receive any training to become an
12 intelligence analyst at the FBI?

13 A I did.

14 Q Tell the jury what kind of training.

15 A Upon on boarding at the FBI, I went to Quantico
16 where I was trained in the Intelligence Basic Course,
17 IBC.

18 Q And throughout the course of your career at the
19 FBI -- which was 11 years; is that correct?

20 A Correct.

21 Q -- did you receive additional trainings?

22 A I did.

23 Q And following your graduation, Ms. Hertzog, from
24 Quantico, were you assigned to a particular unit at the
25 FBI?

1 A I was assigned to the --

2 (Reporter clarification.)

3 THE WITNESS: Sorry.

4 BY MR. KEILTY:

5 Q Could you repeat your answer?

6 A Oh, I was assigned to the Directorate of
7 Intelligence.

8 Q The Directorate of Intelligence?

9 A Yes.

10 Q What generally is the Directorate of Intelligence?

11 A The Directorate of Intelligence is a function at
12 FBI headquarters that looks at intelligence collection
13 and analysis across the FBI.

14 Q Okay. You just testified that that's located at
15 FBI headquarters?

16 A Correct.

17 Q Is that right across the river in Washington?

18 A It is.

19 Q Okay. Ms. Hertzog, did you have a particular
20 focus throughout your 11 years at the FBI?

21 A My primary focus was Russian counterintelligence.

22 Q And at a very high level, what does that entail?

23 A It entails monitoring national security threats
24 regarding Russian intelligence officers, specifically
25 espionage.

1 Q Ms. Hertzog, turning your attention to the summer
2 of 2017, were you assigned to any particular unit at
3 the FBI?

4 A I was assigned to Special Counsel Mueller's
5 Office.

6 Q For the benefit of the jury, tell them what
7 generally was the scope of Special Counsel Mueller's
8 investigation?

9 A Special Counsel Mueller's investigation was
10 established to conduct a full and thorough
11 investigation into Russian government efforts to
12 interfere in the 2016 U.S. presidential election,
13 including connectivity between members of the Trump
14 campaign and Russian government officials, as well as
15 any matters that arose from that investigation.

16 Q Can you tell the jury the circumstances of how you
17 came to join Special Counsel Mueller's team?

18 A I had spoken with my former supervisor at the
19 time, Supervisory Intelligence Analyst Brian Auten. He
20 had asked if I wanted to come work for him again, and I
21 said I would be okay with that.

22 Q Understood.

23 And what, generally, was your role with the
24 Special Counsel Mueller's team?

25 A I was primarily initially to focus on looking into

1 reports that the FBI had received on Russian matters.

2 Q All right. Did those reports have a particular
3 name?

4 A We referred to them typically as the Steele
5 dossier.

6 Q Now, as a member of Special Counsel Mueller's
7 team, was there a chain of command?

8 A Yes.

9 Q Can you describe the chain of command that you
10 worked with?

11 A I reported directly to SIA Brian Auten. Above him
12 was Special Counsel Mueller. There were horizontal
13 chains of reporting as well. So there was an attorney,
14 a supervisory special agent, and then head of FBI
15 personnel.

16 Q Okay. So you had occasion to work with special
17 agents as well, correct?

18 A Correct.

19 Q And who were some of the special agents that you
20 worked with with Special Counsel Mueller?

21 A I worked with Supervisory Special Agent Amy
22 Anderson and Supervisory Special Agent Joe Nelson.

23 Q You testified a minute ago that part of your role
24 on the Special Counsel's team was to look into the
25 Steele dossier; is that correct?

1 A Correct.

2 Q Are you familiar with the name Christopher Steele?

3 A I am.

4 Q And who is Christopher Steele?

5 A Christopher Steele was a former British
6 intelligence officer who at the time, I believe, was
7 engaged in contracting work.

8 Q All right. And how did you become familiar with
9 Mr. Steele?

10 A When I reported to the Special Counsel's Office,
11 SCO, I had received background information on the
12 investigation up until that point.

13 Q And, Ms. Hertzog, are you familiar with an
14 individual by the name of Igor Danchenko?

15 A I am.

16 Q And what's your understanding of who Mr. Danchenko
17 is?

18 A My understanding of who Mr. Danchenko is is he was
19 a primary source for a number of the reports.

20 Q And that's the Steele reports?

21 A Correct.

22 Q Do you recall who identified Mr. Danchenko as
23 being the source of these reports?

24 A I believe my SIA, Brian Auten, had identified him
25 through various pieces of information.

1 Q Okay. And at the time you were on Special
2 Counsel -- which let's get a date. Approximately when
3 did you join Special Counsel Mueller's team?

4 A I believe it was July of 2017.

5 Q Okay. Or right around there?

6 A Around that time.

7 Q At that point, did you have an understanding of
8 whether the FBI had interviewed Mr. Danchenko?

9 A I don't recall exactly when, but at some point, I
10 became aware that they had interviewed Mr. Danchenko.

11 Q All right. You testified that, again, one of your
12 jobs was to look into the Steele dossier?

13 A Correct.

14 Q What exactly does that mean, "look into the Steele
15 dossier"?

16 A As an intelligence analyst, we were trying to
17 identify the sourcing for the claims in the dossier
18 and, specifically, the national security threat with
19 regards to the Russian influence piece.

20 Q So is it fair to say sourcing the dossier was one
21 of your objectives?

22 A Yes.

23 Q And in particular -- I mean, it's fair to say
24 there was a lot of dossier reports, correct, a fair
25 number?

1 A Yes.

2 Q And a lot of names appeared in those dossier
3 reports?

4 A Correct.

5 Q Did you learn that there were a number of
6 different sources that the defendant relied on?

7 A Yes.

8 Q Did you have a particular focus on any of those
9 sources?

10 A There were a number of sub-sources that were
11 identified for investigative next steps.

12 Q Okay. And did you have a particular individual
13 that you focused on?

14 A Yes. There was an individual named Olga Galkina
15 who was -- when I was assigned to SCO, was my primary
16 focus initially.

17 Q What is your understanding of who Ms. Galkina was?

18 A Ms. Galkina was an associate of Mr. Danchenko who
19 lived in Cyprus at the time. She was a Russian
20 national, and she had worked for -- I believe it was
21 servers.com, which was referenced, I believe, in the
22 dossier.

23 Q Okay. What, if any, steps did you take to
24 investigate Ms. Galkina?

25 A I reviewed a number of documents in FBI holdings

1 and databases.

2 Q All right. And you testified that Ms. Galkina was
3 located in Cyprus; is that correct?

4 A Correct.

5 Q And you testified that your understanding was that
6 Ms. Galkina was a source for the dossier?

7 A Correct.

8 Q Ms. Hertzog, are you familiar with an individual
9 by the name of Charles or Chuck Dolan?

10 A I am.

11 Q And what's your understanding of who Mr. Dolan is?

12 A Mr. Dolan, to my understanding, having reviewed
13 FBI databases, had connectivity to both Mr. Danchenko
14 and Ms. Galkina.

15 Q So your testimony is that you learned about
16 Mr. Dolan through the various FBI databases?

17 A I believe information was provided to me as
18 background when I on boarded with SCO, and I became
19 aware of more information as I researched.

20 Q Okay. And was there -- did there come a time when
21 you learned that Mr. Dolan had a relationship with
22 Mr. Danchenko?

23 A Yes.

24 Q And did there come a time when you learned that
25 Mr. Dolan had a relationship with Ms. Galkina?

1 A Yes.

2 Q Did you conduct open source record checks on
3 Mr. Dolan?

4 A I did.

5 Q And what, if anything, did you learn about those
6 open source record checks?

7 A I identified through open source record checks
8 that Mr. Dolan was a former public relations executive
9 at kglobal and Ketchum, as well as he had held former
10 leadership positions with the Democratic Governors
11 Association, as well as former President Clinton's
12 Virginia election campaign.

13 Q And in connection with his work with Ketchum,
14 what, if anything, did you learn?

15 A I learned that he had ties to Russia and had
16 worked on Russian public relations matters.

17 Q Did there come a time when you learned whether
18 Mr. Dolan worked with anybody in particular in the
19 Russian government?

20 A Yes.

21 Q Who was that?

22 A I identified that he had worked with Dmitry Peskov
23 in the Russian government.

24 Q Who's Dmitry Peskov?

25 A Dmitry Peskov is the Russian presidential

1 administration press secretary.

2 Q And was that an important fact for you?

3 A It was.

4 Q Why?

5 A In that position, he would have -- he was a
6 long-time ally and close confidant to Russian President
7 Vladimir Putin, and in that position, he would have
8 likely overseen Russian propaganda and disinformation
9 campaigns.

10 Q So it was an important fact for you that Mr. Dolan
11 had a relationship with Mr. Peskov, correct?

12 A Correct.

13 Q You testified that Mr. Dolan -- let me back up.

14 You testified that Mr. Dolan had a relationship
15 with Ms. Galkina, correct?

16 A Correct.

17 Q Did you do any travel record checks on Mr. Dolan?

18 A I did.

19 Q And what did you learn?

20 A I learned that Mr. Dolan had traveled to Cyprus
21 and had also traveled to Russia.

22 Q And with -- did you review FBI databases with
23 respect to Mr. Dolan?

24 A I did.

25 Q And what, if anything, did you learn about his

1 relationship with Ms. Galkina?

2 A I learned that he had had a business relationship
3 with Ms. Galkina, had visited her in Cyprus, and had
4 spent time with her.

5 Q Do you recall how many times he visited her in
6 Cyprus approximately?

7 A I don't recall the exact number. I believe it
8 was --

9 Q More than once?

10 A More than once, yes.

11 Q Was that an important fact for you?

12 A Yes.

13 Q And why was that an important fact?

14 A Ms. Galkina was a sub-source for the Steele
15 dossier, and as such, his connectivity with her was of
16 importance.

17 Q You testified that travel record checks -- through
18 travel record checks you learned that Mr. Dolan had
19 been in Moscow?

20 A Correct.

21 Q Do you recall when that was?

22 A I believe he had been in Moscow multiple times,
23 and I believe that it was approximately June, the
24 summer of 2016, as well as October 2016.

25 Q And did there come a time when you learned that

1 Mr. Danchenko and Mr. Dolan were in Moscow together?

2 A Yes.

3 Q How did you learn that?

4 A I learned it through research and FBI databases.

5 Q All right. And was that an important fact to you?

6 A It was.

7 Q Tell the jury why that would be an important fact.

8 A It was an important fact because Mr. Danchenko was
9 identified as being a source for the Steele dossier,
10 and connectivity between Mr. Dolan and Danchenko was
11 important, especially considering Mr. Dolan's
12 connectivity to Dmitry Peskov.

13 Q So it's fair to say that Mr. Dolan was of interest
14 to you as an FBI analyst?

15 A Correct.

16 Q Do you recall if anyone else on the Special
17 Counsel's team had an interest in Mr. Dolan?

18 A Yes.

19 Q Who was that?

20 A My coworker, Supervisory Special Agent Amy
21 Anderson.

22 Q And what was Amy Anderson's role in the FBI?

23 A Amy Anderson's role, she is an agent -- do you --
24 FBI or SCO?

25 Q What type of FBI agent was Agent Anderson?

1 A She was a counterintelligence analyst as well --
2 sorry, agent.

3 Q Got you.

4 Without getting into any of the conversations that
5 you had with Ms. Anderson, did you speak with her about
6 Charles Dolan?

7 A Yes.

8 Q Was it your understanding that she was also
9 interested in Charles Dolan?

10 A Yes.

11 Q Do you have a recollection of whether you had an
12 interest in interviewing Mr. Dolan?

13 A Yes.

14 Q Why would you want to interview Mr. Dolan?

15 A I was concerned about a national security threat,
16 especially as it related to Mr. Dolan's connectivity to
17 the sources and sub-sources of the dossier, as well as
18 his connectivity to any Russian government officials.

19 Q Okay. Do you have an understanding of whether
20 other individuals on the Special Counsel wanted to
21 interview Mr. Dolan?

22 A Sorry. Could you repeat the question?

23 Q Sure.

24 Do you have an understanding, if any, of whether
25 there were other individuals on Special Counsel

1 Mueller's team who wanted to interview Mr. Dolan?

2 A I have an understanding of various positions of
3 other members of the team.

4 Q Okay. And what were some of those positions?

5 A Some of the positions were to not investigate
6 Mr. Dolan.

7 Q And what were some of the other positions?

8 A Some of the other positions -- I believe I'm not
9 entirely sure where certain people stood but --

10 MR. SEARS: Your Honor, I am just going to
11 object because it sounds like she's speculating.

12 THE COURT: Go ahead.

13 BY MR. KEILTY:

14 Q Ms. Hertzog, did you want to interview Charles
15 Dolan?

16 A I did.

17 Q Did you want to take additional investigative
18 steps against Mr. Dolan?

19 A I did.

20 Q Do you have an understanding of whether Special
21 Agent Anderson shared those concerns?

22 A She did.

23 Q Do you have an understanding of whether the FBI --
24 withdrawn.

25 Do you have an understanding of whether

1 Supervisory Intelligence Analyst Auten shared those
2 concerns?

3 A I believe he shared those concerns.

4 Q And are you aware of whether the FBI or Special
5 Counsel's team, in fact, ever did interview Mr. Dolan?

6 A To the best of my knowledge, nobody at Special
7 Counsel's team interviewed Mr. Dolan.

8 Q Do you think that was a mistake?

9 MR. ONORATO: Objection.

10 THE COURT: Sustained.

11 BY MR. KEILTY:

12 Q Ms. Hertzog, are you familiar with an individual
13 by the name of Kevin Helson?

14 A I am.

15 Q And what's your understanding of who Kevin Helson
16 is?

17 A Kevin Helson was the Washington Field Office agent
18 who was the handler for Mr. Danchenko.

19 Q And what is a handling agent?

20 A A handling agent is an agent that works with
21 confidential human sources and manages the
22 relationship.

23 Q Is it your understanding that Mr. Helson was
24 meeting with Mr. Danchenko?

25 A Yes.

1 Q All right. Do you have an understanding of
2 whether Agent Helson had investigative interest in
3 Mr. Dolan?

4 A I do.

5 Q Now, in connection with -- you testified that
6 you -- as part of your duties on the Special Counsel,
7 you reviewed various FBI databases; is that correct?

8 A Correct.

9 Q And you reviewed various databases related to
10 Ms. Galkina; is that correct?

11 A Correct.

12 Q In connection with that review of those databases,
13 did you prepare any type of report?

14 A I did.

15 Q What type of report was that?

16 A I prepared a report that outlined her connectivity
17 with Russian government officials, other Russians of
18 interest, as well as Mr. Danchenko as it related to the
19 Steele dossier.

20 Q Okay. Did Mr. Dolan appear in that report?

21 A He did.

22 Q Did he feature fairly prominently in the report?

23 A He did not.

24 Q Did he appear in various sections of your report?

25 A He appeared at least in one section. I don't

1 recall if he appeared more than once. He may have.

2 Q And do you recall what that section was, what that
3 related to?

4 A I believe that section related to -- well, I
5 believe that he was referenced in relation to his
6 visits with Ms. Galkina in Cyprus, as well as the
7 visits to Moscow.

8 Q Okay. You testified that was an important fact
9 for you, correct?

10 A Correct.

11 Q At FBI, you generally file your reports somewhere?

12 A I do.

13 Q Can you explain to the jury how FBI personnel file
14 their reports?

15 A There is typically a case file that is on a
16 specific investigation. A memo to that case file is
17 called an electronic communication. It is typically
18 filed in the bureau's case management software,
19 Sentinel.

20 Q Sentinel is just the computer program that the FBI
21 uses to file stuff; is that correct?

22 A Correct.

23 Q And you testified that you would normally file
24 something in its case file; is that correct?

25 A Correct.

1 Q You've prepared this electronic communication on
2 Ms. Galkina, correct?

3 A Correct.

4 Q And you filed it onto Sentinel?

5 A I did.

6 Q How many case files did you file it into?

7 (Reporter clarification.)

8 A I serialized it to three case files.

9 Q When you say "serialize," does that just mean you
10 uploaded it to three different case files?

11 A Correct.

12 Q Is there a reason why you serialized it in three
13 separate case files?

14 A I wanted others to see it who had the authority to
15 take action.

16 Q Okay. Why don't you explain to the jury what that
17 means.

18 A We had been instructed at SCO not to take further
19 action on the matter involving Mr. Dolan and
20 Mr. Danchenko's relationship, and I believed it needed
21 to be actioned.

22 Q So by filing it in three different case files, who
23 were you hoping would see it?

24 A I serialized it to one case file that I believed
25 would be reviewed by Washington Field Office, FBI

1 headquarters, and the Inspector General.

2 Q And for the benefit of the jury, to your
3 knowledge, what is generally the inspector general?

4 A The inspector general looks at matters -- sorry.
5 Are you asking specifically that or just the inspector
6 general?

7 Q Just generally, what the inspector general does,
8 to your knowledge.

9 A To my knowledge, the inspector general reviews
10 Department of Justice agencies to ensure that actions
11 are being taken appropriately.

12 Q Okay. So you wanted the inspector general to see
13 your report on Ms. Galkina, correct?

14 A Correct.

15 Q And that's because Mr. Dolan's name was in it,
16 correct?

17 A Yes.

18 Q And you thought Mr. Dolan was an important
19 individual?

20 A I believed that -- yes.

21 Q And did you believe that further investigative
22 steps should have been taken on Mr. Dolan?

23 A Yes.

24 Q If you had known that Mr. Dolan was a source for
25 the dossier, would that have been an important fact for

1 you?

2 A Yes.

3 Q Why is that?

4 A As an analyst, we are trained to understand
5 sourcing and where it comes from, specifically, any
6 biases or motivations for that information, so that we
7 can understand how to weigh that information.

8 MR. KEILTY: Okay. No further questions.

9 THE COURT: All right. Mr. Onorato.

10 MR. ONORATO: Very, very briefly, Your Honor.

11 THE COURT: Yes.

12 CROSS-EXAMINATION

13 BY MR. ONORATO:

14 Q Good morning, Ms. Hertzog.

15 A Good morning.

16 Q My name is Danny Onorato, and I am one of
17 Mr. Danchenko's lawyers.

18 We have never had an opportunity to speak before
19 today; is that right?

20 A Correct.

21 Q You have met with the Special Counsel team a
22 number of times; is that right?

23 A Correct.

24 Q Somewhere between, let's say, two and five?

25 A I would say that's correct.

1 Q Okay. Now, when you met with the Special Counsel,
2 you were represented sometimes not by one but by two
3 lawyers; is that right?

4 A Correct.

5 Q And those lawyers are what we call *pro bono*
6 lawyers, meaning that they're working for you for free?

7 A Correct.

8 Q And you felt like you needed to have lawyers with
9 you in your meetings with Special Counsel; is that
10 right?

11 A I wanted somebody to represent my interests, yes.

12 Q Right. And one of them is in court here today; is
13 that right?

14 A Correct.

15 Q Now, you've never met Mr. Danchenko; am I correct
16 about that?

17 A Correct.

18 Q All right. And I just want to ask you really one
19 simple factual question about your work as an analyst:
20 Do you think that it's important that Corey Lewandowski
21 hates Paul Manafort to Russian interference?

22 A I don't believe that that specific information is
23 necessarily critical. I think that, as it ties back to
24 any potential Russian government actions against the
25 United States, it could play a part in that.

1 Q Sure. But if you read in the *New York Times*
2 that -- or you saw on CNN that Corey Lewandowski hates
3 Paul Manafort, that's really not something that you
4 would consider a national security threat, right?

5 A Correct.

6 MR. ONORATO: No further questions.

7 THE COURT: Any redirect?

8 MR. KEILTY: One question, Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. KEILTY:

11 Q Mr. Onorato just asked you about whether you would
12 think it was important whether Corey Lewandowski
13 provided information about -- that Corey Lewandowski
14 hated Paul Manafort, correct?

15 A Correct.

16 Q Would it be relevant to you if you had known that
17 a Trump insider had provided that information that was
18 eventually put in a Russian-linked dossier against
19 Mr. Trump?

20 A Sorry. Could you repeat it?

21 Q Sure.

22 Would it be relevant to you if that information
23 actually had come from somebody the dossier claimed to
24 be a Trump insider and the dossier was a Russian
25 related -- related to Russia and Donald Trump's

1 connections to Russia? Correct?

2 A Correct.

3 Q So would it have been relevant to know in that
4 dossier that that information came from a Trump
5 insider?

6 A Yes.

7 THE COURT: All right. Ms. Hertzog, you're
8 excused. Do not discuss your testimony outside of the
9 courtroom with any other witness.

10 (The witness stands aside.)

11 THE COURT: The government will call its next
12 witness.

13 MR. ONORATO: Your Honor, could we please
14 approach for one second?

15 THE COURT: Yes.

16 (Conference at the bench, as follows:)

17 THE COURT: Yeah.

18 MR. ONORATO: Your Honor, it's my
19 understanding that this witness' testimony will be
20 virtually identical to the witness we just heard. I
21 object to it being cumulative.

22 THE COURT: Well, I'll have to wait until
23 after we hear -- who is it?

24 MS. SHAW: It's Amy Anderson, Your Honor.

25 THE COURT: All right.

1 MR. KEILTY: One of the differences is she's
2 an FBI special agent. She had a different role.

3 THE COURT: I understand. We are not going
4 to hear the same testimony?

5 MR. KEILTY: You will see some different
6 testimony for sure.

7 THE COURT: Let's keep it to what we haven't
8 already heard.

9 MR. DURHAM: The testimony is going to be
10 very short.

11 THE COURT: All right.

12 (Proceedings continued in open court, as follows:)

13 MS. SHAW: Your Honor, may we approach one
14 more time?

15 THE COURT: Yes.

16 (Conference at the bench, as follows:)

17 MS. SHAW: I was just informed by one of the
18 agents that she hasn't arrived yet. I had a split
19 second. So I don't have a representation to make about
20 why. I know that she's -- this isn't like she's
21 absconded. She should be here. It's just a matter of
22 traffic, I imagine.

23 THE COURT: How about your other witness? Is
24 that person available?

25 MR. DURHAM: Well, that one is the final

1 witness. Would the Court just consider taking its
2 morning break?

3 THE COURT: Yes, I will do that.

4 MS. SHAW: Thank you.

5 (Proceedings continued in open court, as follows:)

6 THE COURT: Ladies and gentlemen, we're going
7 to take our morning break a little earlier. We will
8 stand in recess until approximately 11:15. You are
9 excused to the jury room. Please do not discuss this
10 case among yourselves during the break.

11 (The jury exits at 10:50 a.m.)

12 THE COURT: All right. The Court will stand
13 in recess.

14 (Recess from 10:50 a.m. until 11:22 a.m.)

15 (The jury is not present.)

16 THE COURT: Are we ready to proceed?

17 MS. SHAW: Yes, Your Honor.

18 THE COURT: All right. Let's bring out the
19 jury.

20 (The jury enters at 11:22 a.m.)

21 THE COURT: Please be seated.

22 The government will call its next witness.

23 MS. SHAW: The United States calls Special
24 Agent Amy Anderson.

25 THE COURT: All right. Special Agent

1 Anderson will come forward, please.

2 AMY ANDERSON, PLAINTIFF'S WITNESS, AFFIRMED

3 DIRECT EXAMINATION

4 BY MS. SHAW:

5 Q Good morning, Agent Anderson.

6 A Good morning.

7 Q If I could have you please state your full name
8 and spell your last name for the record, please.

9 A Yes. My name is Amy Anderson, A-M-Y,
10 A-N-D-E-R-S-O-N.

11 Q Okay. I just want to remind you to keep your
12 voice up so that the jurors can hear you. We will try
13 to talk at a slower pace so the lady who is taking down
14 all of our words can do so.

15 Also, if there's any question I'm not clear on,
16 please just let me know.

17 THE COURT SECURITY OFFICER: Counsel, I'm
18 sorry. You are going to have to speak up. They cannot
19 hear you in the box.

20 THE COURT: I think the jury is having
21 trouble hearing you.

22 BY MS. SHAW:

23 Q Agent Anderson, how are you employed?

24 A I'm a special agent with the FBI.

25 Q How long have you worked at the FBI?

1 A I entered on duty in 2010, so 12 years.

2 Q And what's your current assignment at the FBI?

3 A I'm currently assigned as an assistant legal
4 attaché at the U.S. Embassy in Ottawa, Canada, at the
5 legat office.

6 Q Prior to joining the FBI, did you obtain any
7 educational degrees?

8 A Yes. I have a Bachelor of Science with a double
9 major in international marketing and french, a master's
10 in french literature, and I completed my coursework for
11 a PhD in french linguistics.

12 Q If you could, just walk us through your various
13 roles that you've had at the FBI in terms of your first
14 assignment and any specialties that you had.

15 A Okay. My first assignment was at the San Diego
16 Division. I have worked counterintelligence my entire
17 career. So I started in San Diego for four years. I
18 took a voluntary transfer to New York City in 2014. I
19 worked counterintelligence matters in New York City
20 until 2016 when I was promoted to a supervisory special
21 agent at FBI headquarters where I worked in the
22 Counterintelligence Division, Counterespionage Section.

23 I went to work at the Special Counsel -- Crossfire
24 Hurricane which became the Special Counsel in -- I'm
25 sorry -- in April of 2017 until January of 2018, at

1 which time I transferred back to FBI headquarters,
2 still in Counterintelligence Division.

3 In December of 2019, I transferred to New Orleans,
4 again, to work counterintelligence matters, and in
5 January of 2022, this year, I moved -- or was promoted
6 to ALAT in Ottawa.

7 Q And just for the jury, what does ALAT stand for?

8 A ALAT is assistant legal attaché. It's a
9 supervisory special agent position overseas. We do
10 liaison work.

11 Q And you mentioned that you had worked in the field
12 of counterintelligence. Were there any particular
13 areas of the world that you focused on with respect to
14 counterintelligence?

15 A Yes. My main focus throughout my career has been
16 Russian counterintelligence matters, as well as
17 espionage and insider threat.

18 Q You mentioned you're a special agent. How does
19 that differ in terms of the kind of things that you do
20 versus an intelligence analyst?

21 A Agents generally work the operational matters, and
22 analysts are the backbone of what we do as far as being
23 well versed in database checks and gathering the
24 intelligence to help the agents make the decisions as
25 far as, for example, who to interview, interview

1 questions, sources, and that sort of thing.

2 Q All right. So I'm going to turn your attention to
3 April of 2017. I think you mentioned that you were
4 assigned to a certain investigation at the FBI.

5 A Yes.

6 Q And what investigation was that?

7 A In April 2017, I was assigned to the Russian
8 Investigation, also known as Crossfire Hurricane.

9 Q And you mentioned that you -- you had called it
10 the Russian Investigation or Crossfire Hurricane. Just
11 very briefly, if you could, tell the jury what your
12 understanding of what that was supposed to look at.

13 A Yes. We were assigned to look at what was going
14 on with potential links to Russian governments and the
15 Trump presidential campaign.

16 Q And how did you come to be assigned to Crossfire
17 Hurricane?

18 A My supervisor asked me to go over.

19 Q All right. Were you assigned to a particular team
20 within Crossfire Hurricane?

21 A Yes, the Russia team.

22 Q And what was your initial assignment -- or what
23 were you first tasked to do when you joined Crossfire
24 Hurricane?

25 A I was assigned to attempt to validate the Steele

1 dossier.

2 Q And just very briefly, what was your understanding
3 of what the Steele dossier was?

4 A The Steele dossier was a collection of reports put
5 together by Christopher Steele, who was a former MI6
6 British intelligence agent that had to do with various
7 individuals related to the Trump campaign and their
8 ties to Russia.

9 Q And you mentioned that you were asked to look into
10 the Steele dossier. What specifically were you asked
11 to do?

12 A I was asked to either verify the reporting or
13 determine that it was not accurate.

14 Q And from a counterintelligence agent's
15 perspective, your perspective, why was that important
16 for you to do?

17 A There was a lot of reporting out there that we
18 needed to determine if it was true or not. For
19 counterintelligence matters, it was important to
20 determine if there was compromising information on our
21 officials, anything that a foreign government could use
22 against us.

23 Also, the Russian government was and continues to
24 spread quite a bit of misinformation, and it was
25 important for us to know what was true within those

1 reports and what might have not been true.

2 Q And you mentioned misinformation from the Russian
3 government. In your experience as a
4 counterintelligence agent focusing on Russia, can you
5 just very briefly explain to the jury what you mean by
6 Russian misinformation and the purposes behind it as
7 you understand them?

8 A Sure. Misinformation would generally be any
9 information that would be put forth, for example, by
10 the Russian government -- it could be by anyone -- that
11 is misleading on purpose, something that they're
12 putting out there in order to sew discord amongst the
13 public, the intelligence communities, or anyone who had
14 access to that information.

15 Q So you previously mentioned that you --
16 analysts -- did you work with any analysts at Crossfire
17 Hurricane?

18 A I worked with quite a few analysts at Crossfire
19 Hurricane.

20 Q Did Crossfire Hurricane ever become another
21 investigation?

22 A Yes. It became the Special Counsel with Director
23 Mueller.

24 Q All right. When you joined that investigation,
25 did your role change at all?

1 A Not initially.

2 Q All right. What was your initial -- who were you
3 initially working with in that role at the Special
4 Counsel's investigation?

5 A When I first arrived at the Special Counsel, I
6 worked with Supervisory Intelligence Analyst Brian
7 Auten, as well as quite a few other intelligence
8 analysts, Stephanie LaParre, Iva Drasinover. We had a
9 team that was working the dossier in particular.

10 Q Did you work with someone by the name of Brittany
11 Hertzog?

12 A I worked with Brittany a little bit later. She
13 came in not at the very beginning but maybe a month
14 after, a month or two.

15 Q And in terms of who you reported to at the Special
16 Counsel's office, if you could, just tell us who you
17 reported to.

18 A Technically, I reported to Supervisory Special
19 Agent Joe Nelson.

20 Q Are you familiar with the name Igor Danchenko?

21 A I am.

22 Q And who is Igor Danchenko?

23 A He was a source that was run out of the Washington
24 Field Office by Special Agent Kevin Helson.

25 Q And how did you become familiar with

1 Mr. Danchenko?

2 A Through Brian Auten and Kevin Helson.

3 Q All right. And are you familiar with the name
4 Olga Galkina?

5 A I am.

6 Q And how did you become aware of Ms. Galkina?

7 A Through database checks that Ms. Hertzog was
8 conducting within the scope of what we were looking at
9 with regard to the dossier. We began looking into
10 Ms. Galkina to see if she may have information related
11 to the Steele reporting.

12 Q All right. And do you know what, if any,
13 relationship Ms. Galkina had to Mr. Danchenko?

14 A Yes. They, I believe, were friends. They knew
15 each other.

16 Q So in terms of Ms. Galkina, what sort of steps did
17 you and your team take with respect to investigating
18 her role?

19 A We conducted database checks, and we eventually
20 went to Cyprus to interview her in person.

21 Q Okay. In the course of looking into Ms. Galkina,
22 did you identify any individual that was connected to
23 both Ms. Galkina and the defendant, Igor Danchenko?

24 A Yes, we did.

25 Q And who was that?

1 A His name was Charles Dolan.

2 Q And how did you learn of the connection between
3 Mr. Dolan to Ms. Galkina and the defendant?

4 A I believe it was also database checks, and
5 Ms. Galkina did tell us that she knew him -- both of
6 them.

7 Q And learning of Mr. Dolan's connection to the two
8 individuals, what did you do with respect to Mr. Dolan?
9 Did you look into him?

10 A I wanted to look into him.

11 Q Did you -- at this point in the investigation --
12 so prior to going to Cyprus, as you mentioned, to see
13 Ms. Galkina, did you do any open source research
14 concerning Mr. Dolan?

15 A I did.

16 Q And what, if anything, did you learn?

17 A We learned that Mr. Dolan had previously been
18 employed with a PR firm, Ketchum, that did work for the
19 Russian government, in particular managing a PR
20 campaign for the Kremlin.

21 Q And did you learn whether or not Mr. Dolan had any
22 connections to Dmitry Peskov?

23 A I did.

24 Q And who is Dmitry Peskov?

25 A Dmitry Peskov is President Putin's press

1 secretary.

2 Q As a counterintelligence agent, would it be
3 significant to you to know about that connection and an
4 individual involved in the investigation?

5 A Yes.

6 Q And why is that?

7 A In the course of validating the Steele dossier,
8 one of the goals would be to determine who had access
9 to the information from the reports, to determine who
10 those sources were, and anyone who had a connection to
11 the Kremlin directly would have been extremely
12 important to know.

13 Q In terms of the research that you did into
14 Mr. Dolan before traveling to Cyprus, did you determine
15 where he was located?

16 A We did.

17 Q And without, obviously, giving an address or
18 anything like that, do you know where he is located?

19 A He is in the D.C. area.

20 Q Was he in the Commonwealth of Virginia?

21 A Possibly.

22 Q All right. So before we get in -- excuse me.
23 Before we go to your interview of Ms. Galkina, in terms
24 of the Special Counsel team, did you have the
25 understanding whether anyone else shared your interest

1 in Mr. Dolan?

2 A Yes.

3 Q And who else was that?

4 A Brian Auten, Brittany Hertzog.

5 Q And do you know somebody by the name of Agent
6 Helson?

7 A I do.

8 Q And what was his role, as you understand it, with
9 respect to Mr. Danchenko?

10 A Agent Helson was the handler for Mr. Danchenko.

11 Q And did you have direct contact with
12 Mr. Danchenko?

13 A I did not.

14 Q And just briefly explain to the jury how it might
15 work. If you wanted to get information from
16 Mr. Danchenko, how would you go about getting that?

17 A I would speak to the source handler. So in this
18 case, I would speak to Agent Helson, and we would
19 discuss what might be interesting for us to know. And
20 then he would go and speak to his source. We do that
21 for reasons of source safety, so that not everyone
22 knows who our sources are.

23 Q All right. And you've told us that prior to going
24 to Cyprus, you had done this research into Mr. Dolan.
25 You knew of the connection between the defendant and

1 Ms. Galkina and Mr. Dolan. At that time, did you
2 direct -- not direct, request that Agent Helson inquire
3 of the defendant about Mr. Dolan?

4 A I did.

5 Q And what, if any, information did you learn?

6 A I don't recall learning anything about Mr. Dolan
7 from Mr. Danchenko.

8 Q All right. So what then did you determine to do
9 next?

10 A At that point, we were going to -- I'm sorry.
11 Just to clarify, this is after Cyprus?

12 Q Let's talk about Cyprus. At some point, you said
13 you went to Cyprus to interview Ms. Galkina. About
14 when was that?

15 A It was approximately August of 2017.

16 Q Did you go by yourself or with others?

17 A No. I went with SIA Brian Auten, as well as one
18 other agent from the Washington Field Office because he
19 spoke Russian.

20 Q All right. Again, the purpose of that trip -- if
21 you could, tell the jury what your goals were for
22 interviewing Ms. Galkina.

23 A Our goal, again, was to determine the sources of
24 each Steele report. We believed that Ms. Galkina was a
25 source of the Steele reporting. Therefore, we wanted

1 to interview her directly to determine which reporting
2 came from her and then motives and any information we
3 could glean from her directly regarding that reporting.

4 Q And how many days did you spend in Cyprus, if you
5 can recall?

6 A I believe it was three, three or four.

7 Q And did you interview with her all days?

8 A Yes, we did three days.

9 Q And would you characterize Ms. Galkina as
10 forthcoming with her information about her role with
11 the dossier and any information in it?

12 A She seemed mostly forthcoming.

13 Q You said mostly forthcoming. Was there a
14 particular area that she was not forthcoming about?

15 A Yes. She was hesitant in telling us about
16 Mr. Dolan.

17 Q All right. Let's start with the beginning of
18 these interviews. When you began interviewing
19 Ms. Galkina, did you specifically ask her about
20 Mr. Dolan or not?

21 A We did.

22 Q And if you could, how did she react when you asked
23 her about Mr. Dolan the first time?

24 A She did not want to speak about him.

25 Q All right. And did you continue to ask her about

1 Mr. Dolan every day of the interviews?

2 A We did.

3 Q And did there come a time when you directly asked
4 Ms. Galkina whether Mr. Dolan had a connection with the
5 information in the dossier?

6 A Yes, the last day.

7 Q All right. And can you describe for the jury how
8 Ms. Galkina reacted when you asked her directly about
9 that?

10 A She was slightly hesitant, and I was -- we were in
11 a car, and I had my sunglasses on. And she asked me to
12 remove my sunglasses so she could look me directly in
13 the eye before she confirmed that it was Mr. Dolan.

14 MR. ONORATO: I object. May we approach?

15 THE COURT: Yes.

16 (Conference at the bench, as follows:)

17 THE COURT: Can you read back the question.

18 (Question read.)

19 THE COURT REPORTER: Would you like the
20 answer read?

21 THE COURT: Perhaps you can refresh me.

22 MS. SHAW: Sure.

23 THE COURT: What was asked of Galkina?

24 MS. SHAW: So she was asked --

25 THE COURT: On the last day?

1 MS. SHAW: On the last day, she is confronted
2 with Mr. Dolan as a source for the information in the
3 dossier.

4 THE COURT: Okay.

5 MS. SHAW: What I was planning to elicit --
6 she was going to bring out -- she was verbally
7 commanded by Ms. Galkina to remove her sunglasses.
8 Then the state of mind of Ms. Galkina. I'm not going
9 to -- whatever she said.

10 MR. ONORATO: So it's hearsay.

11 THE COURT: Isn't this all out there?

12 MR. ONORATO: No, no, because Dolan said he
13 wasn't a source of the dossier, right.

14 THE COURT: Right.

15 MR. ONORATO: Now Galkina is giving
16 information to Mr. Danchenko but not telling him that
17 it came from Mr. Dolan. How does that tie into --
18 there's no proof that Mr. Danchenko was aware of that.

19 THE COURT: Right.

20 MR. ONORATO: So it is going to mislead the
21 jury.

22 THE COURT: But her confirmation would be
23 hearsay; wouldn't it?

24 MS. SHAW: Her confirmation would be hearsay.
25 What I intended to elicit was the "take off your

1 sunglasses and look me in the eyes," and then I was
2 going to ask a question, you know, "What, if anything,
3 did you do after you confronted her," and then get into
4 the steps that the agent took.

5 THE COURT: Okay. I'm going to strike her
6 last answer on the confirmation, and then you can pick
7 it up from there.

8 MS. SHAW: But keep in the sunglasses
9 removal?

10 THE COURT: Yes.

11 MS. SHAW: Okay.

12 MR. ONORATO: Very good.

13 THE COURT: All right.

14 (Proceedings continued in open court, as follows:)

15 THE COURT: All right. I'm going to strike
16 the witness' answer of everything after she took off
17 her sunglasses. So you should disregard any answer
18 after that.

19 MS. SHAW: Yes, Your Honor.

20 BY MS. SHAW:

21 Q So without telling us what Ms. Galkina said, what,
22 if anything, did you do after confronting Ms. Galkina
23 with that information?

24 A After we concluded the meeting, I went back and
25 spoke with Brian Auten about what had happened.

1 Q And what, if any, materials or reports did you
2 prepare upon returning from Cyprus?

3 A Oh, we prepared a report of the interviews that
4 occurred.

5 Q And did you compile anything addressing the
6 information that you had compiled, you and Ms. Hertzog
7 had compiled on Mr. Dolan?

8 A Yes, I did.

9 Q And was the -- what was the purpose of that
10 compilation or memo generally speaking?

11 A Generally speaking, I compared -- I compiled the
12 reports into what we could call an opening
13 communication to open an investigation.

14 Q And in terms of opening an investigation, does
15 that allow you to take investigative steps?

16 A It does.

17 Q So prior to the opening for -- oh, would one
18 investigative step be sending out subpoenas, for
19 example?

20 A That would be an investigative step.

21 Q And this is generally speaking?

22 A (Nods head up and down.)

23 Q And would an investigative step be doing an email
24 search warrant --

25 A Yes.

1 Q -- for example?

2 A (Nods head up and down.)

3 Q And would an investigative step be interviewing a
4 witness?

5 A Yes.

6 Q All right. So with respect to Mr. Dolan and this
7 memo that you've written, what, if anything, did you do
8 with the memo?

9 A I submitted it to my supervisors.

10 Q And when you say your supervisors, who were your
11 supervisors that you submitted this to?

12 A It would have been SSA Joe Nelson as an immediate
13 approver.

14 Q And what, if anything, happened after you
15 submitted this memo?

16 A It sat for approximately three or four weeks.

17 Q And what, if anything, did you do after three or
18 four weeks?

19 A I was told to close -- well, it was never opened.
20 So I was told it was not going to be opened.

21 Q And who told you that?

22 A Joe Nelson.

23 Q Were you given any specific reason why it was not
24 to be opened?

25 MR. ONORATO: Objection.

1 THE COURT: Sustained.

2 BY MS. SHAW:

3 Q So based on your experience and what you've
4 learned so far in the investigation, did you believe
5 that further investigative steps were warranted with
6 respect to Charles Dolan?

7 A I did.

8 Q And we just reviewed a bunch of general
9 investigative steps, subpoenas, email warrants, and
10 then interviewing. Would all of those things be steps
11 that you would have taken if you had been allowed to
12 pursue this avenue?

13 A They all would have been steps that we would have
14 considered taking once the investigation was open.

15 Q And would those have been important steps to you
16 as a counterintelligence agent?

17 A Yes.

18 Q If you had learned in June 2017 that Mr. Dolan had
19 given the defendant information that ultimately ended
20 up in the dossier, would that have been important to
21 you?

22 MR. ONORATO: Your Honor, objection. It
23 misstates the evidence.

24 THE COURT: Rephrase the question.

25 BY MS. SHAW:

1 Q If you had learned in June 2017 that Mr. Dolan had
2 a connection to the defendant and information Mr. Dolan
3 provided to the defendant appeared in the dossier,
4 would that have been important to you to know?

5 A Yes.

6 Q Would that have affected your investigation?

7 A Yes.

8 Q How?

9 A I believe -- it's hard to say at this point, but I
10 believe we would have taken --

11 MR. ONORATO: Your Honor, I'm going to just
12 object if she's speculating.

13 THE COURT: Sustained.

14 BY MS. SHAW:

15 Q And if you had known that Mr. Dolan had provided
16 the defendant information that he made up, would that
17 have been important for you to know?

18 A Yes.

19 Q Why?

20 A The job at that time was to determine if the
21 statements made in the dossier were valid or not. So
22 knowing that there were misstatements, if that was
23 accurate, then that would have been very important to
24 know and part of my job.

25 Q And in June of 2017, if you had known that

1 Mr. Dolan was connected to the defendant, knowing that
2 he has a connection to Peskov, would that have been
3 important for you to know?

4 A Yes.

5 Q Why?

6 A Anyone that had a direct connection to Peskov was
7 interesting and would have been important for us to
8 know.

9 Q And in June of 2017, if you had known that
10 Mr. Dolan knew that the defendant was looking for rumor
11 or *innuendo*, working on a project against Trump, would
12 that have been important for you to know?

13 A Yes.

14 Q And why is that?

15 A Because, again, we were trying to determine the
16 validity of the dossier, and if anyone had any kind of
17 different motives or knew that something wasn't true,
18 then we would've needed to know that.

19 Q And in your experience as a Russian
20 counterintelligence agent, would knowing that someone
21 who was looking for rumors or allegations on an
22 American presidential candidate be of interest to some
23 Russian actors, such as Mr. Peskov?

24 A Yes.

25 Q Now, at this time in June of 2017, did you have

1 any U.S.-based sub-sources for the dossier identified?

2 A Mr. Danchenko.

3 Q But beyond the defendant?

4 A No.

5 Q And if you can recall, generally, where were the
6 other sub-sources located?

7 A They were overseas. We were aware of Ms. Galkina,
8 who was in Cyprus.

9 Q So would Mr. Dolan have been the first sub-source
10 that was located in the United States?

11 A Yes.

12 Q Do you know if the FBI -- I'm sorry. When I say
13 FBI, do you know whether anyone on the Special Counsel
14 Mueller's investigation or Crossfire Hurricane ever
15 interviewed Mr. Dolan?

16 A I am not aware of that.

17 Q Do you know if anyone on Crossfire Hurricane or
18 Special Counsel Mueller's team ever issued a subpoena
19 for documents regarding Mr. Dolan?

20 A Not to my knowledge.

21 Q Did they ever subpoena any phone records?

22 A For Mr. Dolan?

23 Q Yes.

24 A Not to my knowledge.

25 Q Are you aware of -- beyond what you did by

1 traveling to Cyprus and then writing the memo -- of
2 anything the Special Counsel's office did with respect
3 to Mr. Dolan?

4 A No.

5 Q And with respect to the memo that you indicated
6 you drafted concerning investigative steps for
7 Mr. Dolan, what, if anything, happened to that memo?
8 Do you know?

9 A It was deleted.

10 Q And do you know who deleted it?

11 A I did.

12 Q And why did you delete it?

13 A If we weren't going to open the case, it couldn't
14 sit in our Sentinel system and, therefore, would just
15 need to be deleted.

16 Q And sitting here today, do you have any -- do you
17 know why you were not permitted to move forward with
18 the investigation?

19 MR. ONORATO: Objection.

20 BY MS. SHAW:

21 Q Do you have personal knowledge of why you were not
22 permitted to move forward with interviewing Mr. Dolan?

23 A I do not.

24 MS. SHAW: Thank you.

25 THE COURT: All right. Mr. Onorato.

1 CROSS-EXAMINATION

2 BY MR. ONORATO:

3 Q Good afternoon, Ms. Anderson.

4 A Good afternoon.

5 Q We have never met before; have we?

6 A No, we have not.

7 Q Okay. That's probably good for you.

8 I know that you've met with the Special Counsel on
9 a number of occasions. Is that correct?

10 A That is correct.

11 Q Would it be fair to say somewhere between two to
12 five times?

13 A That's correct.

14 Q You were represented by a lawyer?

15 A Yes, I am.

16 Q His name is Larry Burger?

17 A Yes, that's correct.

18 Q I'm assuming Mr. Burger was either on the
19 telephone or with you at some of those meetings.

20 A Yes.

21 Q Is Mr. Burger here with you today?

22 A He is not.

23 Q But you consulted with him prior to coming in
24 today?

25 A Yes.

1 Q Okay. And I'm not going to give you a hard time,
2 but I know you took an oath to tell the truth today.
3 Right?

4 A Yes.

5 Q You understand that if you say something false,
6 that would be subject to penalty of perjury, right?

7 A Yes.

8 Q I think Ms. Shaw asked you a number of questions.
9 I am just going to show that your recollection could be
10 off, not to say that you're intentionally lying, okay.
11 But Ms. Shaw asked you that it would be important for
12 you to know the relationship between Ms. Galkina and
13 Mr. Danchenko and Mr. Dolan in June of 2017, right?

14 A Yes.

15 Q Okay. I want you to look at Defense Exhibit
16 No. 103?

17 THE COURT SECURITY OFFICER: Counsel, what
18 number?

19 MR. ONORATO: 103.

20 BY MR. ONORATO:

21 Q Have you had a chance to look at that?

22 A Generally.

23 Q Okay. Do you recall asking Mr. Helson to have a
24 conversation with Mr. Danchenko to get information for
25 you?

1 A We did speak multiple times with Agent Helson
2 regarding asking questions of Mr. Danchenko, yes.

3 Q Right. And you would agree that this is an
4 interview memorandum prepared from an interview with
5 Mr. Danchenko, correct?

6 THE COURT: Counsel, this is not in evidence,
7 I don't believe.

8 MR. ONORATO: It is not. I'm going to try to
9 move it in, Your Honor.

10 THE COURT: All right.

11 BY MR. ONORATO:

12 Q But you would agree that, based on questions that
13 you asked --

14 THE COURT SECURITY OFFICER: Counsel, the
15 jury cannot hear you.

16 MR. ONORATO: I apologize.

17 BY MR. ONORATO:

18 Q You would agree that, based on questions you had
19 asked of Agent Helson, he spoke to Mr. Danchenko about
20 Mr. Danchenko's knowledge of Mr. Dolan in June of 2017,
21 right?

22 A It would have been myself or potentially Brian
23 Auten.

24 Q Okay. I'll ask you to look at the second page of
25 Defense Exhibit No. 102 for a moment.

1 Do you see that?

2 A I do.

3 Q Does that document refresh your memory: Did you
4 prepare those questions for Agent Helson?

5 A I can't recall if I prepared these.

6 Q Okay. Okay. But turning back now to 103, it
7 appears that there was a conversation between Agent
8 Helson, right?

9 A Yes.

10 Q And Agent Helson, as you said, was Mr. Danchenko's
11 handling agent, right?

12 A Correct.

13 Q And you were not allowed to directly talk to
14 Mr. Danchenko because of the separation rules, correct?

15 A Correct.

16 Q And so you had to rely on Helson to ask questions
17 for you, right?

18 A Yes.

19 Q And he did that when you asked him to, right?

20 A To my knowledge.

21 Q Yeah. And then -- I'm sorry. What kind of
22 special agent are you?

23 A Currently?

24 Q No, back then.

25 A A supervisory special agent.

1 Q So in 2017 in June you were a supervisor?

2 A Yes.

3 Q So as a supervisor, when you ask someone to get
4 you information, you would then get the information and
5 try to utilize it, right?

6 A Yes.

7 Q Okay. And so you know that Mr. Danchenko did tell
8 him, despite what Ms. Shaw asked you, that in June of
9 2017, Mr. Danchenko described the relationship between
10 Ms. Galkina and Mr. Dolan, right?

11 A I would have to read this.

12 Q Read it. Read it. See if it refreshes your
13 memory.

14 A I'm sorry. Could you re-ask the question?

15 Q Sure. So you knew that Mr. Danchenko described
16 that he knew Mr. Dolan to Agent Helson in June of 2015,
17 right?

18 (Reporter clarification.)

19 MR. ONORATO: Oh, '16, I'm sorry.

20 A According to this document.

21 Q In 2017, I apologize.

22 A Seventeen.

23 MR. ONORATO: Your Honor, I'm going to move
24 that into evidence.

25 THE COURT: Any objection?

1 MS. SHAW: No, Your Honor.

2 THE COURT: All right. Exhibit 103 is
3 admitted.

4 MR. ONORATO: May we publish it?

5 THE COURT: Yes.

6 BY MR. ONORATO:

7 Q And this is going to cover every question -- and I
8 think there are probably five or six of them -- by
9 Ms. Shaw about the basis of information that would have
10 helped you in June had you known the information, okay?

11 A Okay.

12 Q So it's fair to say that you knew that
13 Mr. Danchenko had known him for about 11 years at that
14 time, right?

15 A Yes.

16 Q But got to know him more personally in the last
17 couple of years, right?

18 A Right.

19 Q And he referenced that October 2016 conference,
20 right?

21 A Yes.

22 Q And he referenced that he lives in Moscow, right?

23 A Right.

24 Q And tell the ladies and gentlemen of the jury who
25 Vladimir Putin is.

1 A Who Vladimir Putin is?

2 Q Yeah.

3 A He is the president of Russia.

4 Q And do you know who his press secretary was?

5 A Yes.

6 Q Okay. And who was his press secretary?

7 A Dmitry Peskov.

8 Q Okay. And are you aware that Mr. Danchenko in
9 June, despite what Ms. Shaw asked you and despite what
10 you told her, actually described that Mr. Dolan knew
11 the press secretary of Vladimir Putin? Right?

12 A According to this document, yes.

13 Q Yeah. And it came from Mr. Danchenko, right?

14 A Yes.

15 Q Okay. And so you said that if you knew there was
16 a connection back in June of Mr. Peskov and Mr. Dolan,
17 that would be significant, right?

18 A Yes.

19 Q And you knew it in June, right?

20 A Yes.

21 Q And when you testified, you weren't trying to lie;
22 were you?

23 A I was absolutely not trying to lie.

24 Q You weren't trying to lie, no.

25 But you know that that trip to Cyprus where you

1 met with Galkina was actually set up by Mr. Danchenko;
2 he helped broker that meeting, right?

3 A He did.

4 Q Okay. And he knew that you were going to talk
5 about the topics that he covered with Agent Helson and
6 that you'd be talking about those, right?

7 MS. SHAW: Objection, Your Honor. There's no
8 basis for him to be talking about what Mr. Danchenko
9 knew what she was going to be doing in Cyprus.

10 THE COURT: Restate the question.

11 BY MR. ONORATO:

12 Q The FBI, with knowledge of the relationship
13 between Dolan and Galkina, asked Mr. Danchenko to help
14 arrange a meeting so those topics could be explored,
15 right?

16 A Yes.

17 MR. ONORATO: Okay. The Court's indulgence
18 for one moment.

19 BY MR. ONORATO:

20 Q You would agree with me that when you tried to
21 open this case, you know -- and I don't know what you
22 call it in the EC about Mr. Dolan -- that a lot of the
23 information came as a result of your meeting that he
24 brokered with Ms. Galkina, right?

25 A Some of it did.

1 Q Right. But for him making that introduction, you
2 wouldn't have gotten that information, right, because
3 Galkina wouldn't have met with you, right?

4 A For some of it.

5 Q I'm talking about the Galkina portion of it.

6 A Yes, that would be accurate.

7 Q And you know that Mr. Danchenko also provided
8 other information that you used to put into that
9 report, correct?

10 A Honestly, I would need to look at the report again
11 to determine exactly where everything came from --

12 Q Sure.

13 A -- but that would make sense.

14 Q Right. It would make sense that the information
15 that's in Defense Exhibit 103 would have been part of
16 the intelligence that you put into that report?

17 A Yes, it's possible.

18 Q Okay. And I just want to ask one final question
19 because I think you talked about Russian
20 misinformation. Correct?

21 A Correct.

22 Q Do you think it could be Russian misinformation
23 that Corey Lewandowski hated Paul Manafort back in July
24 of 2016?

25 A I honestly don't remember that specific

1 allegation. Anything could be Russian misinformation.

2 Q Sure.

3 A It's possible.

4 Q But I'm asking you. If you heard from me, "Corey
5 Lewandowski hates Paul Manafort," would you then run
6 and open up an espionage investigation based on that
7 fact?

8 A No.

9 MR. ONORATO: Okay. I have no further
10 questions.

11 THE COURT: Any redirect?

12 MS. SHAW: Briefly, Your Honor.

13 REDIRECT EXAMINATION

14 BY MS. SHAW:

15 Q So defense counsel was asking about Defendant's
16 Exhibit 103. Did you prepare this document?

17 A I did not.

18 Q Did you attend this interview?

19 A I did not.

20 Q With respect to this document, does it say
21 anything in here about Mr. Dolan being a possible
22 source of information --

23 A It does not.

24 Q -- to the dossier?

25 A No.

1 Q And in terms of -- he asked you about Mr. Manafort
2 and Lewandowski. With respect to knowing whether
3 someone passed false information that contained
4 allegations -- not the Lewandowski part but somebody
5 made up that they were an insider or had inside
6 information, in the course of looking at Russian
7 interference, as you did in the Special Counsel's
8 investigation, would that have been important to you?

9 A Yes.

10 MS. SHAW: I have nothing further.

11 THE COURT: All right. Thank you.

12 Special Agent, you're excused. Do not
13 discuss your testimony outside of the courtroom with
14 any other witness.

15 (The witness stands aside.)

16 THE COURT: The government will call its next
17 witness.

18 MR. DURHAM: Supervisory Special Agent James,
19 Your Honor.

20 THE COURT: All right. Special Agent James
21 will come forward.

22 MR. DURHAM: Your Honor, could I just ask the
23 court security officer to provide these documents?

24 THE COURT: Yes.

25 MR. DURHAM: Thank you, sir.

1 THE COURT SECURITY OFFICER: Yes, sir.

2 RYAN JAMES, PLAINTIFF'S WITNESS, AFFIRMED

3 DIRECT EXAMINATION

4 BY MR. DURHAM:

5 Q Sir, would you state your name for the record and
6 spell your last name.

7 A Sure. Ryan James, J-A-M-E-S.

8 Q And, sir, how are you employed?

9 A I'm a special agent with the FBI.

10 Q And how long have you been a special agent with
11 the FBI?

12 A Since August of 2009.

13 Q Will you go backwards a little bit. Would you
14 describe or explain to the jurors what your basic
15 educational background is.

16 A Sure. I have a Bachelor of Science in finance,
17 and then I have a master's in business administration.

18 Q And after you graduated from college and had your
19 degrees, what, if anything, did you do?

20 A Sure. I worked at an investment firm in Chicago
21 and then became a police officer and then to the FBI
22 Academy.

23 Q When was it that you first went to the academy?

24 A It was in the summer of 2009.

25 Q And what did you do at the academy? What was the

1 training that you went through?

2 A It's the basic FBI agent training where we learn
3 law, FBI procedure, defensive tactics, firearms, kind
4 of how to manage an investigative case, the FBI
5 internal systems, to case manage a case, that type of
6 thing.

7 Q When you finished up at the Quantico Training
8 Academy, you would then be a first office agent as it's
9 sometimes referred to?

10 A Yes.

11 Q And what's a first office agent?

12 A So that's the term that you get when you graduate
13 the academy, and it's the first office you're assigned
14 to.

15 Q And where were you first assigned?

16 A New Haven, Connecticut.

17 Q And how long were you in New Haven, Connecticut?

18 A So I was there from late '09 to September of 2018.

19 Q And then in September of 2018, where did your
20 assignment bring you?

21 A I became a supervisory special agent in the
22 Jackson, Mississippi, field office.

23 Q And with respect to your role as a supervisory
24 special agent in Jackson, do you have a particular
25 portfolio or area that you're responsible for

1 supervising?

2 A Yes.

3 Q And what is that?

4 A So currently I supervise a squad of agents that
5 investigate public corruption and civil rights
6 violations.

7 Q Would you tell the ladies and gentlemen of the
8 jury whether or not you had taken any additional
9 assignments here in the Washington area, first at the
10 Hoover Building headquarters?

11 A Yes.

12 Q And what, if any, assignment did you receive
13 there?

14 A So in February 2021, I was assigned to the
15 Inspection Division of the FBI.

16 Q And what were you doing in the Inspection
17 Division?

18 A In the Inspection Division, the role that I had is
19 that we did audits of field offices and investigations
20 that were conducted from those particular field
21 offices. And if there is an agent involved shooting,
22 we look at those matters as well.

23 Q And did you complete that assignment?

24 A Not fully, no.

25 Q And why not?

1 A I mean, about May of 2021 I started working on
2 this investigation.

3 Q In that regard, sir, would you tell the ladies and
4 gentlemen of the jury whether or not you, yourself,
5 have had occasion to get involved in some of the
6 underlying records relating to these matters?

7 A Yes, I have.

8 Q Now, the jury has heard testimony -- a reference
9 has been made to certain Amtrak records. Do you recall
10 that?

11 A Yes.

12 Q In connection with the Amtrak records, do you
13 know, sir, whether or not those were retrieved in the
14 first instance by folks working on the investigation
15 you're now assigned to?

16 A Yes.

17 Q So anything that the jury has seen came from
18 efforts by you and your colleagues?

19 A Correct.

20 Q With respect to other matters, telephone records,
21 for example, do you recall, sir, whether or not toll
22 records and the like were retrieved in connection with
23 this investigation?

24 A Yes, they were.

25 Q And how were those retrieved?

1 A By legal process, subpoena, search warrants,
2 similar type ways.

3 Q With respect to those documents, tell the ladies
4 and gentlemen of the jury whether you personally have
5 been involved in sorting through those records.

6 A Yes, I have.

7 Q Travel records, the travel records relating to
8 Sergei Millian was brought to the jury's attention.
9 Who obtained those records?

10 A Our team did.

11 Q To your knowledge, had anybody gotten those
12 before?

13 A No.

14 Q The jury has heard testimony relating to a number
15 of telephone numbers involved with a fellow by the name
16 of Sergei Millian. Would you tell the jury, sir,
17 whether or not you have any knowledge about records and
18 information being retrieved concerning Sergei Millian.

19 A Our team requested legal process on some of his
20 numbers that we've identified that belong to him.

21 Q When you say legal process, just so the jurors
22 have an understanding of that, what kind of legal
23 process would typically be involved in getting those
24 records?

25 A In this particular case, subpoenas.

1 Q All right. And in addition to subpoenas, do you
2 know if Facebook records and the like were retrieved
3 using the legal process?

4 A Yes.

5 Q And what kind of legal process was used to obtain
6 those records?

7 A Those would be via search warrants.

8 Q And as to those records that were obtained either
9 by way of subpoena or by way of search warrants, did
10 you have any personal participation and understanding
11 of those records?

12 A Yes.

13 Q And would you -- how would you characterize your
14 familiarity with the travel records, the phone records,
15 and the like?

16 A I'm familiar with the records and the contents of
17 them.

18 Q And how about with respect to Facebook records
19 that were retrieved?

20 A The same. I'm familiar with the contents and the
21 returns that we've gotten from those search warrants.

22 Q All right. So, for example, if we were to pull up
23 Government's Exhibit 607 --

24 MR. DURHAM: I'll ask Ms. Arsenault, with the
25 Court's permission, to do that. I think 607 would be

1 in the Court's binder. So 607 is a full exhibit in
2 this case that the jury has seen. So I would like to
3 bring it up, Your Honor.

4 THE COURT: Yes. Is it in evidence?

5 MR. DURHAM: It is in evidence.

6 THE COURT: All right.

7 BY MR. DURHAM:

8 Q 607, how was that recovered or obtained?

9 (Counsel confer.)

10 THE COURT: We don't have 607.

11 MR. ONORATO: It is a defense exhibit.

12 THE COURT: Which defense exhibit?

13 MR. ONORATO: Exhibit 426. So we should
14 probably pull up 426 since that's the one that was
15 admitted.

16 MR. DURHAM: Well, then we would move 607
17 since this witness is familiar with 607.

18 MR. ONORATO: It's the same document. So we
19 moved it in our case, but we have no objection to the
20 jury seeing it twice. It's just a document.

21 THE COURT: All right. Government's
22 Exhibit 607 is in.

23 MR. DURHAM: If you could, just pull that up,
24 please, Ms. Arsenault.

25

1 BY MR. DURHAM:

2 Q Looking at 607, which the jury has previously
3 seen, how was that obtained?

4 A So that would be obtained through Facebook through
5 a search warrant.

6 Q And were there other Facebook records that were
7 obtained as well? I mean, it wasn't just this
8 document, correct?

9 A Correct.

10 Q Now, let me start, if I might then. With regard
11 to the records in this matter, you've told the jurors
12 that among those records that you obtained were travel
13 records for Sergei Millian, correct?

14 A Yes.

15 Q And with respect to Millian's travel records, how
16 would you describe them? Were they plentiful or there
17 was one or two? What's your best recollection as to
18 Millian's travel records?

19 A I would say he frequently comes in and out of this
20 country.

21 Q Based on your review of all the travel records,
22 has he been in the country anytime recently?

23 A No.

24 Q I'm going to ask you to take a look at
25 Government's Exhibit 1400.

1 (Counsel confer.)

2 MR. DURHAM: Looking at 1400, I think counsel
3 and I are in agreement that this is our exhibit number.

4 BY MR. DURHAM:

5 Q Looking at Government's Exhibit 1400, is that a
6 record that you retrieved?

7 A Yes.

8 Q And just for the understanding of the jurors, with
9 respect to the information that's contained in 1400,
10 which I will ask about in more detail shortly, is that
11 just a portion of all the records you obtained relating
12 to Millian's travel?

13 A Yes.

14 Q And as to telephone records, would you indicate to
15 the ladies and gentlemen of the jury what telephone
16 records -- specific telephone records that you obtained
17 relating to Mr. Millian.

18 A We obtained all the records possible for the phone
19 numbers that we had identified for Mr. Millian.

20 Q All right. With regard to those records, did you,
21 yourself, personally do something with the records?

22 A Yes.

23 Q And what was it that you did?

24 A So based off of the returns that we got from the
25 subpoena, we -- and I compiled a summary chart of what

1 we believe is relevant information from the phone
2 records into an Excel spreadsheet.

3 Q Now, the jury has heard testimony in this case
4 that on a particular date -- and specifically July 21
5 of 2016 -- there was an email that was sent by
6 Mr. Danchenko to the Millian Group. Do you recall that
7 testimony?

8 A Yes.

9 Q And you are familiar with that underlying email,
10 correct?

11 A Yes.

12 Q Would you tell the ladies and gentlemen of the
13 jury whether you learned, during the course of your
14 participation in this investigation, that the
15 defendant, Mr. Danchenko, had told FBI personnel that
16 he had gotten an anonymous call from a particular
17 person after he had sent that email and another
18 occasion after he had sent a second email? Are you
19 familiar with that?

20 A I'm familiar with that, yes.

21 Q Do you recall, sir, when it was that Mr. Danchenko
22 said that he had received this purported call from an
23 anonymous caller?

24 A Yes.

25 Q When was that?

1 A Late July of 2016.

2 Q Armed with that information, that the initial
3 email was sent on July 21 of 2016, and then he had told
4 the FBI he had received this anonymous phone call in
5 late July, what, if anything, did you do with respect
6 to Mr. Millian's telephone numbers and his tolls?

7 A So what we did is we took the defendant's toll
8 records and compared from July 20 -- and on this chart
9 to about August 30 -- and looked at the defendant's
10 phone records and compared if there were any numbers
11 that were on the defendant's phone records that we had
12 identified from Mr. Millian.

13 Q All right. Now, let me take one step back and put
14 this in chronology. Do you recall, sir, with respect
15 to the Millian telephone records, how many separate
16 lines had been subpoenaed for his toll records?

17 A Three.

18 Q And which numbers were those?

19 A So I don't have them committed to memory, but I'll
20 do the prefix. There's a 404 number which the
21 defendant had and gave to Mr. Helson. There's a 212
22 number, and there's a 917 number.

23 Q Why were those the three numbers that were
24 initially reviewed?

25 A Because two out of the three were known to us at

1 the time, and they're from the same carrier, which was
2 Verizon.

3 Q So it's clear to the jurors, with respect to the
4 404 number, is this a hard line phone or a cellular
5 phone?

6 A A cell phone.

7 Q And the area code 404 and so forth, what were you
8 able to determine as to that area code?

9 A I believe that is in Atlanta.

10 Q And then 212 was another number?

11 A Yes.

12 Q Okay. And with respect to that phone, is that a
13 phone that was active in the summer of 2016?

14 A Yes.

15 Q And did you review those toll records?

16 A Yes.

17 Q You said there was a 917 area code, correct?

18 A Correct.

19 Q What were you able to determine as to that
20 telephone number?

21 A It appeared that that number was assigned to an
22 iPad.

23 Q Okay. And did you look at whatever records were
24 available by way of subpoena or search warrant there?

25 A Yes.

1 Q And when you did that review, looked at those
2 records, was that the end of your inquiry?

3 A No.

4 Q As a result of your individual efforts, do you
5 know, sir, or can you tell the jury whether or not you
6 looked for any additional telephone numbers that were
7 associated in any way with Mr. Millian directly?

8 A Yes.

9 Q And what did you do? Explain to the jurors what
10 you, yourself, did in trying to examine that question.

11 A So the jury has heard a lot about FBI databases.
12 So what I did is I searched our vast FBI databases for
13 any other phone numbers at any point in time that we,
14 the FBI, had associated with Mr. Millian. And once
15 those numbers were identified, I compared those, again,
16 to the defendant's toll records.

17 Q Again, so it's clear, did you do that yourself?

18 A Yes.

19 Q You were assisted by others, but was that your
20 work?

21 A Yes, I did that.

22 Q Now, I want to then start with the following:
23 Assuming that the email that the jury has seen is
24 accurate is the date -- that's July 21 of 2016,
25 correct?

1 A Yes.

2 MR. DURHAM: I want to ask that Government's
3 Exhibit 1400, which I believe is in evidence already,
4 Your Honor, be pulled up.

5 THE COURT: Yes, you may.

6 BY MR. DURHAM:

7 Q Now, looking at that document, explain to the
8 jurors what the information shows -- well, withdrawn.

9 Let me ask first: What's a TECS record?

10 A It's a record that shows an individual's entry and
11 exit out of the country.

12 Q All right. So when any of us come in and out of
13 the United States, there's a record that's generated,
14 correct?

15 A Yes.

16 Q And as to Government's Exhibit 1400, would this be
17 a portion of all the records that you reviewed in
18 connection with Mr. Millian's travel?

19 A Yes.

20 Q And is there a particular reason why these entries
21 on Government's Exhibit 1400 were prepared by you?

22 A Yes.

23 Q And why was that?

24 A Because that's right near the date of the July 21
25 email that's been referenced here.

1 Q So in this regard, can you tell from these records
2 whether or not Sergei Millian was in the United States
3 on July 21, 2016?

4 A I can tell, yes.

5 Q And was he or was he not in the country?

6 A He was not.

7 Q And how do you know that from this record?

8 A So if you look at the top column, you see Sergei
9 Millian's name. And if you go to maybe three boxes to
10 the right, you'll see the date and time in Eastern. It
11 says 7/14/16. And then if you kind of go over maybe
12 four or five more boxes, it will say status, on board.
13 And if you go over two more boxes, you will see the
14 depart location and arrival location. And the depart
15 location says JFK. So that would be JFK Airport in New
16 York. And that ICN is the arrive location. I believe
17 that's a Korean airport.

18 Q Okay. The ICN is the international code for South
19 Korea?

20 A Yes.

21 Q All right. So according to these official
22 records, he left the country, then, on July 14 at
23 basically midnight, 00:00, right?

24 A Yes.

25 Q And then with regard to the date of July 21, 2016,

1 and then to later in the month, do these records
2 reflect how long he was out of the country at that
3 time?

4 A Yes.

5 Q And when -- well, walk the jurors through that
6 record.

7 A So following the same pattern, if you go to the
8 second kind of box down -- and under the date and time,
9 you will see the 7/27/2016 entry. And then, again,
10 going over about five or six boxes, you will see the
11 status, on board. And then two more over, you see that
12 the departure location is -- that BKK is Bangkok, and
13 he arrives to the JFK Airport the 27th.

14 Q All right. So he arrives on July 27, 2016, at
15 21:47 hours, correct?

16 A Yes.

17 Q And in nonmilitary time, that would be what time
18 p.m.?

19 A 9:47.

20 Q At 9:47 p.m., he comes back into the country on
21 the 22nd of July, correct?

22 A Yes.

23 Q Now, you indicated that you had obtained some
24 other records relating to Mr. Millian. The jury has
25 heard testimony relating to a 404 number associated

1 with Mr. Millian, correct?

2 A Yes.

3 Q Did you make it your business to go about trying
4 to retrieve any pertinent records relating to that 404
5 number?

6 A Yes.

7 Q And tell the jurors what was done in that regard.

8 A So once we had that number associated with
9 Mr. Millian, we subpoenaed that particular cell phone
10 company for records that they had available.

11 Q All right. I would ask you to look at your
12 booklet at what is premarked as Government's
13 Exhibit 503 for identification.

14 Do you have that in front of you?

15 A Yes.

16 Q And what is 503 for identification?

17 A It's part of the subpoena return from Verizon.

18 Q And what does that portion of the return relate
19 to?

20 A A particular phone number, the 404 number, for
21 Mr. Millian.

22 Q And is there any information relevant to the time
23 frame that we're talking about --

24 A Yes.

25 Q -- July 2016 in there?

1 A Yes.

2 Q So he's out of the country, as you say, from the
3 14th. He comes back at 9:47 on the 27th. As to 503,
4 does that reflect the status of Mr. Millian's 404
5 number at any overlapping time?

6 A It does.

7 MR. DURHAM: We would move 503 as a full
8 exhibit, Your Honor.

9 THE COURT: Any objection?

10 MR. SEARS: No objection.

11 THE COURT: Without objection, Government
12 Exhibit 503 is admitted.

13 BY MR. DURHAM:

14 Q Explain to the jurors, if you would, sir,
15 generally speaking, what is the information that's
16 contained in Government Exhibit 503?

17 A So this multipage document categorizes as notes,
18 and it gives you information on the status of a
19 particular phone number or account.

20 Q Does it do that chronologically?

21 A Yes.

22 Q All right. So turning to the last page of that
23 record, there are certain portions that are
24 highlighted, correct?

25 A Yes.

1 Q Who caused those to be highlighted?

2 A Our team did. We did.

3 Q And why was it that those particular entries were
4 highlighted?

5 A Because that, again, July and August 2016 time
6 frame is relevant to our investigation here.

7 Q And looking at the very bottom entry, what was
8 there about that particular entry that was of
9 investigative interest?

10 A The entry here indicates that the 404 number was
11 suspended on July 14, 2016.

12 Q And what's the date that Mr. Millian left the
13 country?

14 A On that same date.

15 Q And then there's a second entry highlighted,
16 correct?

17 A Yes.

18 Q And why was that of import to you?

19 A That indicates that that 404 number was
20 reconnected on August 8.

21 Q So would it be a fair statement, at least
22 according to the records, that Millian's 404 number,
23 which the defendant had, was not in operation between
24 July 14, 2016, until it's reconnected on August 8?

25 A Yes.

1 Q Now, I want to ask you separate and apart from the
2 Millian numbers, which I'll come back to, the jury has
3 heard testimony relating to a Charles Dolan. Do you
4 recall that?

5 A Yes.

6 Q Now, did you, to the best of your knowledge and
7 recollection, have occasion to look at any records,
8 telephone records, toll records relating to Mr. Dolan
9 and Mr. Danchenko being in touch?

10 A Yes.

11 Q On the phone?

12 A Yes.

13 Q And in that connection, I'm going to ask you to
14 look in the binder at Government's Exhibit 1604, 1604
15 for identification.

16 A Yes.

17 Q Do you recognize what's contained in 1604?

18 A Yes.

19 Q And what is 1604?

20 A So this is a chart that I helped prepare that
21 summarizes communication between Mr. Dolan's cell phone
22 and Mr. Danchenko's cell phone.

23 Q And from what period of time -- what period of
24 time is covered in this particular summary?

25 A This summary chart starts in March of 2016 and

1 ends January 2017.

2 Q Would you tell the ladies and gentlemen of the
3 jury first: Why did you begin with the date of
4 March 8, 2016?

5 A You know, again, a relevant time period for our
6 investigation.

7 Q And why is it ended at January 11, 2017?

8 A This was the last communication between the two
9 based on our records.

10 MR. DURHAM: We would move 1604 as a full
11 exhibit, Your Honor.

12 THE COURT: Any objection?

13 MR. SEARS: No objection.

14 THE COURT: Exhibit 1604 is admitted.

15 BY MR. DURHAM:

16 Q Now, looking at Government's Exhibit 1604, again,
17 why don't you just for the benefit of the jurors
18 describe how you prepared this summary chart.

19 A This was, again, prepared based off of the records
20 from Mr. Dolan's cell phone account. And it, again,
21 summarizes the ingoing and outgoing calls between
22 Mr. Danchenko and Mr. Dolan.

23 Q And so you -- then looking at this information
24 contained on Government's Exhibit 1604, there's a
25 particular column that describes the date and another

1 for the time, the duration, and the like, correct?

2 A Yes.

3 Q These times are in Eastern Standard Time?

4 A Correct.

5 Q Would you tell the ladies and gentlemen of the
6 jury: When the records are actually received, do they
7 come in Eastern Standard Time or in some other fashion?

8 A It varies by carrier. I think these were in
9 Greenwich Mean Time. So we have to convert them.

10 Q Explain to the jurors how you convert from
11 Greenwich Mean Time to Eastern Standard Time.

12 A So the best way to do this is there's a variety of
13 open source websites that allows you to punch in times
14 and dates, and it will automatically convert the time
15 back or front for you.

16 Q Okay. And in that connection, did you, yourself,
17 however, manually ensure that the conversion was
18 correct?

19 A Yes. Yes.

20 Q So looking then at Government's Exhibit 1604,
21 what, if any -- well, withdrawn.

22 Does this contain only some or all of the
23 exchanges between the Dolan number and the Danchenko
24 number for the period of time reflected?

25 A I believe the total from March to January.

1 Q Okay. And then you had told the jurors that you
2 ended the chart, and the last entry -- what's the date
3 of the last entry?

4 A January 11, 2017.

5 Q And as to that phone call, who placed the call;
6 that is, who was calling who?

7 A It's an outgoing call from Charles Dolan to
8 Mr. Danchenko.

9 Q On the 11th. And does it tell you what time it
10 was?

11 A Yes.

12 Q And what time was the call placed?

13 A It's at 9:45 in the morning -- 9:47 in the
14 morning. Excuse me.

15 Q And then what was the duration of that call?

16 A Four minutes and five seconds.

17 Q And you had told the jurors that after that, based
18 on your examination of all the toll records, there are
19 no additional calls from Dolan to Mr. Danchenko or
20 Mr. Danchenko to Mr. Dolan, correct?

21 A That's correct in our holdings, yes.

22 Q Now, that last date that's on the chart, 1604, of
23 January 11, 2017, was there any significance to that
24 date to the best of your recollection?

25 A Yes.

1 Q What was significant about January 11 of 2017?

2 A I believe the day before, on January 10 of 2017,
3 BuzzFeed produced the article that contained the Steele
4 dossiers.

5 Q And with respect to then the next morning, the
6 jury heard testimony that Dolan called Mr. Danchenko to
7 inquire about this, that record reflects that such a
8 call was placed?

9 A Yes.

10 Q And it lasted for a little bit over four minutes?

11 A Yes.

12 Q Now, you have told the jurors that you had also
13 made it part of your effort to retrieve information
14 from Facebook, correct?

15 A Yes.

16 Q The jury has seen a couple of times now what is
17 Government's 1604 or the defense's corresponding
18 number. But this is the Facebook entry showing
19 giraffes, correct?

20 A Yes.

21 MR. DURHAM: I would just ask that 607 be
22 pulled up so I can ask time and date questions.

23 BY MR. DURHAM:

24 Q Okay. Now looking at 607, who is the author of
25 this particular Facebook record?

1 A Igor Danchenko.

2 Q And when was it sent?

3 A That's July 28, 2016.

4 Q And what was the time?

5 A So this record reflects 20:23 UTC time.

6 Q Now, in July of 2016, how did UTC time convert to
7 Eastern Standard Time or east coast time?

8 A You would have to subtract four hours from this
9 record to get the Eastern Time.

10 Q So if we're looking at what time it was in New
11 York on July 28, 2016, that this was sent, what time
12 would it be?

13 A 4:23:45.

14 Q So 4:23 in the afternoon, correct?

15 A Yes.

16 Q And this is a particular Facebook entry that talks
17 about spending the day at the zoo, the message from L,
18 another meeting tonight, and so forth, correct?

19 A Yes.

20 Q Now, that was admitted early in the trial, but I
21 want to show you what has not yet been marked as a full
22 exhibit, Government's Exhibit 618 for identification.
23 Look in your book, if you would, sir, at 618.

24 A Yes.

25 Q And as to 618, do you recognize that document?

1 A Yes.

2 Q And how do you recognize that document?

3 A It's part of the Facebook return that we got from
4 Facebook for our search warrant.

5 Q And as to 618 for identification, to the best of
6 your knowledge, is that a business record of Facebook
7 that was obtained pursuant to legal process by you and
8 your colleagues?

9 A Yes.

10 MR. DURHAM: We would offer Government's
11 Exhibit 618 as a full exhibit. It would indicate there
12 were some redactions that have been made by agreement
13 of counsel.

14 THE COURT: All right. Any objection?

15 MR. SEARS: No, Your Honor.

16 THE COURT: Without objection, 618 is
17 admitted.

18 BY MR. DURHAM:

19 Q Okay. Now looking at 618 --

20 MR. DURHAM: I'm going to ask that
21 Ms. Arsenault just bring the top part of the document
22 up, and then we can scroll down through it.

23 BY MR. DURHAM:

24 Q So the jurors obviously can see this. For
25 purposes of the written record, what is it that is

1 reflected in Government's Exhibit 618?

2 A So this is the portion of the Facebook business
3 record that corresponds to the Facebook story page
4 where you could post kind of your time line on what
5 you're doing for a particular day.

6 Q All right. Are you familiar with Facebook and the
7 storyline?

8 A I don't have Facebook.

9 Q With respect to what is occurring here on
10 Government's Exhibit 618, that is what's being
11 reflected. What are those? Are those -- do you know
12 what those are?

13 A These are -- to the best of my understanding,
14 these are entries that Mr. Danchenko is posting himself
15 to his Facebook page about these particular locations.

16 Q And the date involved is what?

17 A This first one on the screen is July 27, 2016.

18 Q All right. And so then events are occurring.
19 They are being posted on July 27 of 2016, correct?

20 A Yes.

21 Q And then does it continue into the next day?

22 A Yes.

23 Q And that would be, obviously, July 28 of 2016,
24 correct?

25 A Yes.

1 Q And with respect to what's being posted or
2 reflected there, there is an entry at the bottom of the
3 page, right, at 22:40:43 hours?

4 A Yes.

5 Q And just so the record is clear, what's the date?

6 A This is July 28, 2016.

7 Q And what is the time?

8 A It's 22:40 UTC time. So you have to subtract four
9 hours from that to Eastern Time.

10 Q So what time would that be Eastern Standard or
11 east coast time?

12 A 6:40.

13 Q 6:40 p.m.?

14 A Yes.

15 Q Can you read into the record where it is that the
16 posting reflects where Mr. Danchenko was at that time?

17 A Igor Danchenko is at Umpire Rock.

18 Q And do you know where Umpire Rock is?

19 A I know it's a location in New York City.

20 Q Okay. And what is the message that is posted at
21 6:40 p.m. on July 28 of 2016?

22 A It says exhausted, fever, worked on, light rain
23 redacted, has secret energy reserves, three more hours
24 to the train, hope I won't pass out.

25 Q With respect to this entry at 6:40 p.m -- so the

1 first entry -- I'm sorry -- the 607, the picture of the
2 park, is 4:23 p.m., correct?

3 A Yes.

4 Q And it talks about what it talks about, including
5 another meeting tonight, correct?

6 A Correct.

7 Q And by 6:40 p.m., Mr. Danchenko is on Facebook
8 record, reflects exhausted, fever, work done, correct?

9 A Correct.

10 Q Now, did you see here any reference to any meeting
11 where somebody didn't show up?

12 A No.

13 Q Is there any other Facebook entry that you had
14 seen reviewed or what have you for July 28 anytime
15 during the day where Mr. Danchenko posted that somebody
16 didn't show up at a meeting?

17 A No.

18 Q Or anytime thereafter where he had posted in July
19 of 2016 that somebody didn't show up at a meeting?

20 A No.

21 Q But he does say his work was done at 6:40 on that
22 day?

23 A Correct.

24 Q With respect to Umpire Walk, do you know if that's
25 in Central Park in the city?

1 A I'm going to have to take your word for it.

2 Q Okay. You don't know that. So don't take my word
3 for it. But you don't know that?

4 A No.

5 Q Okay. Now, you've told the jury that you had also
6 undertaken an effort to try to assemble telephone
7 records relating to Mr. Danchenko's phone and then
8 anything associated with Sergei Millian; is that a fair
9 statement?

10 A Yes.

11 Q I want you to take a look at what are going to be
12 marked as 1603 -- is marked as 1603 for identification
13 now.

14 Tell the jury whether or not you recognize the
15 information that's contained in Government's
16 Exhibit 1603 for identification.

17 A I do.

18 Q And how do you recognize the information on 1603?

19 A It's a chart that I helped prepare.

20 Q All right. When you say you helped prepare it,
21 who is the final person who ensured the accuracy of the
22 information contained in it?

23 A Me.

24 Q Okay. And as relates to 1603, sir, does it cover
25 a particular period of time?

1 A Yes.

2 Q What's the period of time?

3 A So this is July 20, 2016, through August 30, 2016.

4 Q And to the best of your knowledge and ability, are
5 all of the numbers and subscribers and the like that
6 are contained in this chart taken from a larger volume
7 of records that you reviewed in order to prepare it?

8 A Yes.

9 Q And as to these entries, do these reflect any and
10 all incoming calls to Mr. Danchenko's telephone number
11 for the period of July 20, 2016, through the end of
12 August of 2016?

13 A Yes.

14 Q And why did you pick that time frame?

15 A July 20 was the day before the initial email to
16 Mr. Millian, and we continued it through August because
17 August was the month of the August 18 email, the second
18 email to Mr. Millian.

19 Q Okay. The second email was the 18th, and it
20 continued to the end of the month?

21 A Correct.

22 MR. DURHAM: We would move 1603 as a full
23 exhibit, Your Honor.

24 THE COURT: Any objection?

25 MR. SEARS: No, Your Honor.

1 THE COURT: Exhibit 1603 is admitted.

2 BY MR. DURHAM:

3 Q All right. Now, looking at Government's
4 Exhibit 1603 --

5 MR. DURHAM: I would ask Ms. Arsenault just
6 to blow up the top.

7 MS. SHAW: Your Honor, could we approach for
8 one second?

9 THE COURT: All right.

10 (Conference at the bench, as follows:)

11 MS. SHAW: I apologize, Your Honor. I
12 should've brought this to the Court sooner. It didn't
13 dawn on me until I saw the exhibit go up on the screen.
14 There's a lot of other individual's phone numbers on
15 this exhibit. I just have concerns about publishing
16 that to the jury.

17 MR. KEILTY: Your Honor, they are being
18 redacted right now.

19 MR. ONORATO: Judge, I am sure we probably
20 did the same thing. We will go through before we
21 finally submit any evidence to the jury to make sure
22 everything is proper. It's just an oversight.

23 THE COURT: All right. Good.

24 (Proceedings continued in open court, as follows:)

25 MR. DURHAM: Your Honor, I'm in agreement

1 with counsel that we just don't want to reflect numbers
2 in the public record. So we're just redacting those
3 out before we proceed.

4 THE COURT: Yes.

5 BY MR. DURHAM:

6 Q While that's being done, Special Agent James, let
7 me ask you some preliminary questions. In putting
8 together the information that's reflected on this
9 chart, Government Exhibit 1603, what type of
10 information did you take into consideration?

11 A So to compile the chart, we used open source
12 information to try to identify phone numbers. We used
13 our returns that we got from different accounts to try
14 to identify phone numbers, again, mainly the
15 defendant's emails and social media accounts alike.

16 Q So would it be a fair statement that with regard
17 to this chart, a lot of these numbers were identified
18 out of the defendant's Hotmail contacts?

19 A Yes.

20 Q And those had been retrieved by way of legal
21 process?

22 A Yes.

23 Q Do you know if prior to you and your colleagues
24 retrieving that information, if anybody had gone and
25 retrieved it? Do you know?

1 A I do know. No, they didn't.

2 Q Okay. So you got this information from subpoenas,
3 part of the legal process, right?

4 A Yes.

5 Q That legal process produced the Hotmail account
6 contact list of Mr. Danchenko himself, correct?

7 A Yes.

8 Q And then you used open source information --

9 A Yes.

10 Q -- in assembling the data that's in 1603?

11 A Yes.

12 MR. DURHAM: So now pulling up 1603 with the
13 Court's permission?

14 THE COURT: Yes.

15 MR. DURHAM: And looking at this document, I
16 want to go -- why don't we go to, say, the top third,
17 Ms. Arsenault, so that we can enlarge it a bit.

18 BY MR. DURHAM:

19 Q So walk the jurors through what they're currently
20 seeing in the various dates, telephone numbers, and how
21 it was that you were able to establish the information
22 contained in this chart. Again, these are all incoming
23 numbers to the Danchenko number, right?

24 A Yes.

25 Q It doesn't have whoever he was calling; it's

1 numbers that came into Mr. Danchenko's telephone number
2 over the particular period of time?

3 A Yes.

4 Q All right. So walk the jurors through. The first
5 date, July 20, 2016, explain how you do that.

6 A So, again, this information was gathered from the
7 subpoena returns from the defendant's cell phone
8 number, and we compiled this chart. You can see the
9 columns starting at the top: "On," "At" corresponding
10 to the time -- if there was a location, there would be
11 a location added there -- the "To/From" number which
12 has the last four redacted from the incoming caller,
13 and the "User" of that particular device, a
14 "Destination," meaning it's an incoming call, and then
15 the duration where it says "Mins." That's the duration
16 of the call. Then the "Source" column is how we, our
17 team, identified the particular user of the phone
18 that's making the incoming call.

19 Q All right. So on July 20 at 2016, at 12:55 p.m.,
20 there was an incoming call -- or there's a call coming
21 in from 904-399-6795, Telemarketer, etc., right?

22 (Counsel confer.)

23 Q And that's open source information?

24 A Yes.

25 Q So anybody could go onto the Internet or whatever

1 and get that, correct?

2 A Yes.

3 Q And then let's do the second entry without making
4 the mistake I did where we've xed out some of the
5 numbers. Tell us about the second number, July 22,
6 2016.

7 A So that particular entry, again, is from the
8 defendant's billing records, and that particular phone
9 number, the 202-445-redacted, belonged to Charles
10 Dolan. It was incoming, six minutes, and the source
11 for us to identify that caller was from Mr. Danchenko's
12 Hotmail contacts list.

13 Q Which you had obtained through legal process?

14 A Yes.

15 Q All right. And then the next two entries,
16 similarly, right, you've got the user for that number
17 and then how you got it. Those are all from the
18 contact list, correct?

19 A Yes.

20 Q Including the 7/22/16 call at 7:32 from Olga
21 Galkina, which was an incoming call to Mr. Danchenko,
22 correct?

23 A Yes.

24 Q Now, if you skip down a little bit beyond that,
25 there's an open source call on July 25 at 10:40,

1 correct -- I'm sorry, not 10:40, at 4:40?

2 A Yes.

3 Q And the particular number involved, again, open
4 source?

5 A Yes.

6 Q Same thing, you can just -- anybody can go find
7 that on the Internet?

8 A Yes.

9 Q I want to turn your attention, as you go through
10 this -- if you look at 7/29 --

11 MR. DURHAM: And if Ms. Arsenault could, pull
12 that up.

13 BY MR. DURHAM:

14 Q And this would be at 1:40 a.m. There's a call
15 from 301-603-3471. It says it's unavailable, correct?

16 A Yes.

17 Q Explain to the jurors that unavailable number.
18 What does that mean? What effort did you undertake to
19 get that number?

20 A So, again, if we couldn't find anything on
21 Mr. Danchenko's collective accounts that we either
22 subpoenaed or search warrant for that particular number
23 or we ran open source checks for that number or we
24 searched FBI databases for that number and if it all
25 kind of came up empty, we tried to identify the

1 provider for that particular account back in 2016.

2 Then we would try to subpoena that particular provider.

3 In this particular case, we couldn't really
4 identify a company that had that phone number back in
5 2016, and we identified where it currently sits as of
6 today, but not back in 2016.

7 Q Was there a reason -- withdrawn.

8 As to that particular call, what was the duration
9 of the call?

10 A One minute.

11 Q What can you tell the jurors about how most of
12 these telephone companies or carriers treat phone calls
13 where it reflects one minute?

14 MR. SEARS: Your Honor, I'm going to object.
15 That should come from a carrier, not from the agent.

16 THE COURT: I'll let him answer if he knows
17 based on his experience.

18 A So my experience, based on the records that I
19 looked at for Mr. Danchenko, these are bill reprints,
20 which means these are directly the calls that
21 Mr. Danchenko was charged for. So if the call was 45
22 seconds or 4 seconds, they round up to the minute. So
23 it's one minute. That's why they're all rounded off.

24 Q So with regard to this particular case, how long
25 did Mr. Danchenko say that the purported call from an

1 anonymous person lasted?

2 A Fifteen minutes.

3 Q And so that particular entry that I referred to as
4 being unavailable, that is at 7/29/2016, at 1:40 a.m.,
5 and that was at most a minute, correct?

6 A Correct.

7 Q And as you then look down the list, they're
8 scanned on the list. There are calls that are coming
9 in from any number of people that the jury has heard
10 about, Christopher Steele and the like, correct?

11 A Yes.

12 Q And then you get down to a particular call on
13 August 2, 2016, at 7:24 p.m., a particular redacted
14 telephone number, the calling number, and it says
15 T-Mobile. What does the T-Mobile reflect?

16 A That's an indication that we subpoenaed T-Mobile
17 for that particular number and they had a subscriber
18 back in 2016 for that particular phone number.

19 Q Okay. And then, again, as you scan down, there
20 are a couple of other instances in which a number
21 wasn't available, right? There's one on August 8,
22 2016, at 2:40 p.m., Inteliquent-Twilio, right?

23 A Yes.

24 Q What's the situation with that one?

25 A The exact same that I described in the last

1 unavailable number where we couldn't find the carrier
2 back from 2016.

3 Q But the duration of that call was how long?

4 A One minute.

5 Q And then, again, scanning down, there's an entry
6 on August 10 of 2016, at 8:10 p.m., from a particular
7 telephone number where the user is unavailable. But
8 then it does say, T-Mobile records purged. What can
9 you tell the jurors about that entry?

10 A So we were able to identify that that was a
11 T-Mobile number, but T-Mobile indicated to us that they
12 didn't have records on that particular number dating
13 back to 2016.

14 Q What was the date -- I'm sorry. What was the
15 duration of that call?

16 A Two minutes.

17 Q So that call had to be more than a minute, less
18 than two minutes?

19 A Yes.

20 Q Okay. And then continuing down -- I think this is
21 maybe the last one -- on August 12, 2016, at
22 10:56 a.m., there was a particular incoming call where
23 simply there was no availability of any number, period,
24 right?

25 A Yes.

1 Q What's the very next entry?

2 A An international number from a United Kingdom area
3 code -- country code.

4 Q So on August 12, 2016, at 10:56 a.m., there's an
5 incoming call that lasts four minutes, correct?

6 A Yes.

7 Q And then immediately there's the same date at
8 11:00. So four minutes later there's a 41-minute call,
9 international call coming in from the United Kingdom?

10 A Correct.

11 Q Beyond that, every one of these incoming calls are
12 accounted for based on your explanation to the jury how
13 you were able to identify it, correct?

14 A Yes.

15 Q Now, you told the jurors that among other things
16 that were subpoenaed were three telephone lines that
17 were active in 2016 for Millian, correct?

18 A Yes.

19 Q But I think you also told them that you had looked
20 for any other number that may have been in FBI
21 databases that would tie in some fashion to Millian,
22 correct?

23 A Yes.

24 Q And did you compare all of those numbers to any
25 calls going into Mr. Danchenko's telephone number?

1 A Yes.

2 Q And the jury saw a particular record that will be
3 in evidence reflecting the fact that Millian was
4 providing his new Moscow number. Do you remember that?
5 It was a plus-45 telephone number?

6 A Yes.

7 Q Did you also check that number against any
8 incoming calls to Mr. Danchenko's telephone line?

9 A Yes.

10 Q And what can you tell the jurors about that?

11 A We didn't identify any known numbers for Sergei
12 Millian making an incoming call to Mr. Danchenko.

13 Q All right. So in sum, with respect to
14 Government's Exhibit 1603, you examined every incoming
15 call during this time frame?

16 A Yes.

17 Q To his phone, correct?

18 A Yes.

19 Q You identified every incoming call, who the caller
20 subscriber was with the exceptions of the
21 unavailability, right?

22 A Yes.

23 Q Those unavailabilities were like minute calls. I
24 think one was two minutes. Correct?

25 A Yes.

1 Q Was there any incoming call to Mr. Danchenko's
2 telephone between July 20, 2016, and the end of August
3 of 2016 from a number in any way associated with Sergei
4 Millian?

5 A No.

6 Q Now, there's been testimony and records relating
7 to testimony -- and I think there's a record relating
8 to discussion or reference to apps. Do you recall
9 that?

10 A Yes.

11 Q Now, perhaps the jury is all familiar with this,
12 but with respect to these apps, based on your training
13 and experience --

14 Let me just step out of that for a minute. Just
15 so the jurors know, you, yourself, is this the first
16 time you've ever assembled this kind of data?

17 A No.

18 Q How long have you been doing this type of thing?

19 A Since as long as I've been in the bureau.

20 Q And so the task of sifting through these various
21 records is something you're very familiar with?

22 A Yes.

23 Q Okay. Now, let me ask you about testimony or
24 references to apps. In general, tell the jurors: With
25 respect to these phone applications, what are they

1 designed to do?

2 A So in general, the communication apps are used or
3 can be used to kind of hide or anonymize the
4 communication between two parties.

5 Q Okay. I think a number of witnesses during the
6 course of the trial have been asked, you know, how many
7 apps there are. Tell the ladies and gentlemen of the
8 jury, based on your experience working at the FBI doing
9 this kind of thing, are there a few, or are there a lot
10 of apps out there?

11 A There's a lot. I mean dozens.

12 Q In that connection, if I have an app on my cell
13 phone -- say I have whatever, that I have Wickr, which
14 I don't. But if you had some app on your phone, can I
15 just call you and you'd get that phone call?

16 A In order for App 1 to connect to App 2, the same
17 app on the phone, both parties usually need to have
18 that app active for that to work.

19 Q All right. Otherwise it just doesn't go through
20 in your experience?

21 A Right.

22 Q So with respect to your participation in this
23 investigation, you have seen the emails that
24 Mr. Danchenko had sent Mr. Millian's Millian Group,
25 correct?

1 A Yes.

2 Q Any reference to using apps?

3 A No.

4 Q Did you see any reference at all to Mr. Danchenko
5 requesting that Millian reach him on an app?

6 A No.

7 Q So you would have to know that -- even if you were
8 going to do that, you would have to know the respective
9 app, right?

10 A Right.

11 Q And in this connection, you don't know of any
12 instance -- any evidence where Mr. Danchenko requested
13 that Millian reach him on an app?

14 A Correct.

15 Q Do you know whether or not, however, the FBI folks
16 with Crossfire Hurricane had asked Mr. Danchenko to
17 produce any records relating to a call on his phone?

18 A Yes.

19 Q And was anything produced?

20 A No.

21 Q Were any app records produced of any kind by
22 Mr. Danchenko in response to requests for relevant
23 records?

24 A Not regarding Sergei Millian.

25 MR. DURHAM: Thank you, sir.

1 I have no further questions, Your Honor.

2 THE COURT: All right. Ladies and gentlemen,
3 I think we'll take our luncheon recess at this time.
4 You're excused until 2:00. Please do not discuss this
5 case among yourselves during the luncheon recess.

6 (The jury exits at 12:56 p.m.)

7 THE COURT: How long do you think you'll be,
8 Mr. Onorato?

9 MR. ONORATO: So Mr. Sears is going to --

10 THE COURT: Mr. Sears, how long do you think
11 you'll be?

12 (Reporter clarification.)

13 MR. ONORATO: There may be no questions
14 unless I talk him into questions.

15 THE COURT: All right. We'll stand in
16 recess.

17 -----
Time: 12:56 p.m.

18

19

20

21

22 I certify that the foregoing is a true and
23 accurate transcription of my stenographic notes.

24

25 /s/
Rhonda F. Montgomery, CCR, RPR